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Background Release

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24 January 1992

HUMAN RIGHTS COMMISSION TO HOLD FORTY-EIGHTH SESSION AT GENEVA, 27 JANUARY - 7 MARCH

GENEVA, 24 January (UN Information Service) -- The state of human rights and fundamental freedoms in the world today will be at the centre of attention as the Commission on Human Rights, the principal policy-making organ in that field within the United Nations system, holds its forty-eighth session at the Palais des Nations from 27 January to 7 March.

Established in 1946 by the Economic and Social Council, the Commission has an extensive mandate, which allows it to deal with any matter relating to human rights. In addition to preparing studies, making recommendations and drafting international human rights instruments, it also undertakes special tasks assigned to it by the General Assembly or the Council, including the investigation of allegations of human rights violations. In addition, since 1979 it has assisted the Council in the coordination of activities concerning human rights in the United Nations system.

This session, which will see the Commission welcome 10 new members from the African, Asian and Latin American regional groups, includes items dealing with questions such as human rights violations in the occupied Arab territories and South Africa; the human rights situation in occupied Kuwait, as well as the situations in Cuba, Romania, Iraq, El Salvador, Afghanistan, Iran, Albania and Tibet; the situation of migrant workers; the rights of detainees; the right to development; children's rights; and the promotion of human rights and fundamental freedoms, among others.

Also on the Commission's provisional agenda, (document E/CN.4/1992/1), is the right of peoples to self-determination, under which the situations in Afghanistan, Western Sahara, occupied Palestine and Cambodia will be studied.

At this session, the Commission will continue its standard-setting work, with draft texts on disappearances, minorities and the responsibility of individuals, groups and organs of society in human rights promotion and protection. Also to be looked at are the detention of staff members of the United Nations and the specialized agencies, the independence and impartiality of the judiciary and the system for providing assistance in the field of human rights to countries that request it. In addition, the Commission will review the progress made in the preparations for the 1993 World Conference on Human Rights to be held in Berlin.

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Human Rights Violations

The Commission has been seized of the human rights situation in the territories occupied by Israel as a result of the hostilities of June 1967 since its twenty-fourth session in 1968. Among the documents before the Commission under this item will be a note by the Secretary-General listing United Nations reports issued between sessions of the Commission that deal with the living conditions of the population of the Palestinian and other occupied Arab territories (document E/CN.4/1992/7).

Concerning South Africa, the Commission last year requested its Ad Hoc Working Group of Experts to continue to examine the situation regarding the violations of human rights in that country. The Commission will have before it the interim report of the Working Group (document E/CN.4/1992/8), as well as the updated report of the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities containing a list of banks, transnational corporations and other organizations assisting the South African regime (document E/CN.4/Sub.2/1991/13 and Add.1).

While looking at the question of rights violations in any part of the world, with particular reference to colonial and other dependent countries and territories, the Commission will examine human rights in Cyprus and the situation in Kuwait during the occupation by Iraqi Government forces (documents E/CN.4/1992/25 and E/CN.4/1991/26). The Commission will also have before it reports on, among other questions, human rights in southern Lebanon, Cuba, Romania, Iraq, El Salvador, Albania, Afghanistan and Iran, as well as on summary or arbitrary executions.

In addition, a study will be conducted of situations which appear to reveal a consistent pattern of gross violations. This work will be carried out on the basis of a confidential report from the Commission's Working Group on Situations.

Also on the agenda for this session is the question of the human rights of all persons subjected to any form of detention or imprisonment. Among the questions the Commission looks at under this item are the following: human rights and states of emergency; the situation of United Nations staff members in detention; the right to freedom of opinion and expression; the independence and impartiality of the judiciary; hostage-taking; the right to a fair trial; torture; and disappearances.

Realization of Economic, Social and Cultural Rights

The question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights has been a standing item with high priority on the Commission's agenda since 1975. Under it the Commission studies the special problems faced by developing countries in their efforts to achieve these human rights. Before the body will be the second progress report of the Special Rapporteur of the

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Subcommission, the Commission's main subsidiary body, on the realization of these rights (document E/CN.4/Sub.2/1991/17). The preliminary report of the independent Expert appointed last year to study the right to own property will also be considered (document E/CN.4/1992/9).

The Commission will also study the progress made in the realization of the right to development with the help of a report from the Secretary-General containing concrete proposals on the implementation of the Declaration on the Right to Development (document E/CN.4/1992/10 and Add.1).

Right to Self-Determination

Last year, the Commission decided to keep the situations in Afghaninstan, Western Sahara, occupied Palestine and Cambodia under review within the framework of its study of the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (document E/CN.4/1992/11). The use of mercenaries as a means of impeding the exercise of this right will also be examined (document E/CN.4/1992/12).

Non-Discrimination

Again this year, the Commission will deal with the issue of racial and religious discrimination by studying the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (1983-1993), and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. The Commission will also consider the report of the forty-third session of the Subcommission on Prevention of Discrimination and Protection of Minorities, which contains draft resolutions and decisions requiring action by the Commission (documents E/CN.4/1992/2 and E/CN.4/Sub.2/1991/65).

Human Rights Promotion and Encouragement

In evaluating its programme and methods of work, the Commission looks at alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms. National institutions for human rights protection also come up for study, as does the coordinating role of the Centre for Human Rights within the United Nations bodies in this field. Among these bodies are the Committee on Economic, Social and Cultural Rights, which monitors the implementation of the International Covenant on Economic, Social and Cultural Rights; and the Human Rights Committee, charged with monitoring the implementation of the International Covenant on Civil and Political Rights. How they, as well as the other bodies established pursuant to United Nations human rights instruments, carry out their mandates will also be examined.

Standard-Setting

This session of the Commission will be preceded by the meeting of three open-ended working groups which are considering draft human rights

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instruments. One group met in October and November 1991 to consider the draft declaration on the protection of all persons from enforced or involuntary disappearance submitted by the Subcommission. The group established to complete a second reading of the draft declaration on the rights or persons belonging to minorities met in December. The group charged with the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights will meet until 24 January (documents E/CN.4/1992/19, 48 and 53).

In addition, the Commission will consider the question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment designed to establish a system of visits by the Committee against Torture to places of detention within the jurisdiction of States parties to the protocol.

Status of Rights Instruments

The Commission examines yearly the status of different international human rights instruments. Before it at this session will be reports from the Secretary-General on the Convention against Torture, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Covenants on Human Rights and the Convention on the Rights of the Child.

Consideration of the status of that last instrument will form part of an agenda item under which the Commission will also study a report on the sale of children; the draft programme of action adopted last year for the elimination of the exploitation of child labour; and a draft programme of action for the prevention of the sale of children, child prostitution and child pornography (documents E/CN.4/1992/55 and Add.1, and E/CN.4/1992/45).

World Conference on Human Rights

The Commission will also have before it at this session a note by the Secretary-General on progress in the preparations for the World Conference on Human Rights, to be held in Berlin in 1993. The second session of the World Conference's Preparatory Committee is scheduled to be held in Geneva from 30 April to 10 May.

Composition of Commission

The composition of the Commission for 1992 is: Angola, Argentina, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, France, Gabon, Gambia, Germany, Ghana, Hungary, India, Indonesia, Iran, Iraq, Italy, Japan, Kenya, Lesotho, Libya, Madagascar, Mauritania, Mexico, Netherlands, Nigeria, Pakistan, Peru, Philippines, Portugal, Russian Federation, Senegal, Somalia, Sri Lanka, Syria, Tunisia, United Kingdom, United States, Uruguay, Venezuela, Yugoslavia and Zambia.

The Chairman of the forty-seventh session was Enrique Bernales Ballesteros (Peru). The Chairman of this session is expected to be from the Group of Western European and Other States.

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27 January 1992

COMMISSION ON HUMAN RIGHTS BEGINS FORTY-EIGHTH SESSION

GENEVA, 27 January (UN Information Service) -- The Commission on Human Rights, the main policy-making body in the human rights field within the United Nations system, began the work of its forty-eighth session this morning by electing its officers and adopting its agenda.

In an opening statement, Jan Martenson, Under-Secretary-General for Human Rights, said the Commission had played a crucial role in the human rights revolution sweeping the world. Violation of basic human rights and freedoms in many places, he added, underscored the importance of this session.

Enrique Bernales Ballesteros, the outgoing Commission Chairman, said that only when there were no more disappeared, tortured, oppressed or assassinated individuals or hungry people in the world would the Commission be able to turn to the global community and say it had accomplished its mission.

The Commission elected Ronald Walker (Australia), Mohamed Ennaceur (Tunisia) and Sirous Nasseri (Iran) as Vice-Presidents and Ligia Galvis (Colombia) as Rapporteur. It also adopted its provisional agenda.

Statement by Outgoing Chairman

ENRIQUE BERNALES BALLESTEROS (Peru), the outgoing Chairman, stated that the prospects for international cooperation had altered during his year of office in 1991. Increased universal respect for democracy, freedom, well-being and political consensus gave rise to a sense of optimism. Peace processes had begun in various parts of the world during 1991. The Lisbon Agreement had ended the bloody Angola war and the New York Agreement had put an end to the 12-year-old conflict in El Savador. He welcomed the restoration of peace in Kuwait and the beginning of a peace process in the Middle East. However, while war and conflict persisted, human rights remained under a threat.

Despite the removal of ideological barriers, he went on, xenophobia, nationalism and racism threatened to take their place, and he counselled vigilance to meet those new challenges. Transboundary threats as varied as

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pollution and terrorism meant that States urgently had to establish action programmes to protect humankind as a species. The World Conference on Human Rights, scheduled in 1993 in Berlin, would play a key role in the creation of new forms of global coexistence, a task which was the ineluctable duty of States.

Human Rights entailed not only protection of civil and political rights but also of economic and cultural rights, he continued. Those rights were indivisible and interdependent; respect for human rights and democracy went hand in hand. That respect had to become a way of life for the world, not just a concept enforced and coerced by laws. However, human rights must not become a tool in power ploys between States.

Concerning Latin America, he noted that in the past, it had lived suspended between freedom and fear. Both rhetoric and violence had to be avoided while democracy was increasingly being embraced; care should be taken that that was not merely a democratic lull between totalitarian periods. The continent's populations had to be educated to ensure that human rights and democracy became deeply rooted, daily practices. Only when there were no more disappeared, tortured, oppressed, assassinated individuals nor hungry people in the world would the Commission be able to turn to the global community and say it had accomplished its mission.

Statement by Under-Secretary-General for Human Rights

JAN MARTENSON, Under-Secretary-General for Human Rights, recalled that the forty-seventh session of the Commission had opened under the somber auspices of the Iraqi occupation of Kuwait. The Commission also had witnessed the ways that force had replaced dialogue and reason in connection with attempts to establish fully democratic systems in several places. Although many of the clouds overshadowing that session had been dispersed by new winds of hope and positive action, that was, unfortunately, still a time of serious and tragic conflict, rooted in ethnic and other tensions. Basic human rights and freedoms were violated in many places, underscoring the importance of the present session and the responsibilities and challenges the Commission was facing in the interest of humankind.

However, he continued, it would be wrong to open deliberations on a pessimistic note. On the contrary, one was witnessing what could be referred to as a world-wide human rights revolution, a peaceful revolution founded on deeply rooted sentiments and desires that in many instances had been too long suppressed. The Commission, as the main organ for promoting and protecting those rights, had played a crucial role in the human rights revolution. As it opened its forty-eighth session, it faced unprecedented challenges and opportunities for continuing that ever more vital work. The membership of the Commission for the first time stood at 53. That expansion was a sign of growing interest and concern for human rights world-wide, which would pave the way for a spirit of cooperation and common resolve.

The interrelationship of human rights, democracy and development was of growing importance throughout the United Nations, he stated. The new emphasis

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on participatory development also implied more democracy and respect for human rights. Today, respect for human rights was also an essential component of any search for common security. Violations of human rights, all too often, paved the way for tensions between States and even armed conflicts. United Nations peace-making operations now contained explicit human rights elements, as illustrated by operations in El Salvador and Guatemala and by the agreement on Cambodia.

Regarding human rights violations, he said the very disturbing rise in prejudice, discrimination and even open violence against persons because of their race, colour, religion or origin was of growing concern all over the world. Migrant workers, members of minority groups, gypsies, refugees and asylum-seekers, among others, were often victims of persecution, and the evil of anti-semitism was reappearing with increased force in many places. He urged the Commission to turn its attention to finding effective ways of dealing, on national and international levels, with those phenomena. The proposed Third Decade against Racism might be a vehicle for new initiatives.

Mr. Martenson called attention to the question of the safety and security of staff members of the United Nations, more than 100 of whom were being kept under detention or in prison. As indicated just last week, the Secretary-General intended to do his utmost to work for their release. The members of the Commission should consider firm action to deal with that issue. A problem of major importance before the international community was how to act more effectively to prevent or deal with massive and systematic violations of human rights. In approaching that problem, one should seek to build on the existing wealth of information available within the United Nations human rights system.

The challenge of finding ways for different ethnic groups to live together peacefully was important for achieving peace, security and respect for human rights. The Commission had before it a draft declaration on the rights of minorities, prepared by its Working Group. It might be worthwhile, he said, to consider setting up a working group or appointing a special rapporteur on minorities. With respect to programmes of assistance in strengthening democracy and human rights, he said the Centre for Human Rights had moved swiftly to provide assistance in the transition to democracy of a number of countries, in consolidating democratic gains and in helping to lay solid human rights foundations for the future.

After outlining the increased activities of the Centre in Central and Eastern Europe, Africa, Latin America and Asia, Mr. Martenson appealed to all States able to do so to provide increased resources for building democratic institutions and protecting human rights. One way would be to increase contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights. He had given priority to strengthening efforts to provide up-to-date information in appropriate forms to the general public and those professionally interested in human rights. The Assembly had launched a World Public Information Campaign for Human Rights, under which a wide range of activities had been developed to build up a universal culture of human rights. In 1989, in light of the momentous changes taking place in

international affairs, democracy and human rights, he had suggested to the Assembly the holding of a World Conference on Human Rights as a process of reaffirmation and strengthening of human rights.

In conclusion, Mr. Martenson said that during the period 1985-1990, the workload of the Centre had increased dramatically, while the number of permanent professional posts available had dropped. The last session of the Assembly had made some very welcome decisions regarding the Centre's resources. Unfortunately, when applied in real terms, the Centre would find itself with approximately the same resources as in 1985 before the generalized reductions.

The question of adequate resources was a matter of utmost importance, he added. All one asked for was that Governments took the necessary steps to ensure the availability of resources. It was no longer possible to accept new mandates under the formula "within existing resources". He was confident that with the new international atmosphere of cooperation and the strong world-wide support for human rights, the Commission would make major strides towards effective protection of human rights.

Statement by New Chairman

PAL SOLT (Hungary), the newly elected Chairman, said the evolution in international relations and the deep transformation of the political realities in Europe and the world gave new relevance to human rights. The political emancipation of the countries of Central and Eastern Europe put an end to the order that had emerged from the second world war and which had been the source of 50 years of antagonism and ideological confrontation.

He reiterated the vital importance that Hungary accorded to the question of respect for human rights. His country was in the process of introducing the principles of the international human rights instruments into its national legislation and practice; the National Assembly over the past two years had modified 90 per cent of the Constitution, and a Constitutional Court -- which had already abolished the death penalty -- exercised effective control over legal norms and fundamental freedoms. Hungary welcomed the growing importance being given to the rights of minorities, in particular by the signing of the Paris Charter and the adoption by the General Assembly, for the first time in 43 years, of a resolution on the rights of minorities.

The work of the Organization had benefited from the improvement in the international climate, he went on. Questions that were once examined on an ideological basis, including human rights, were now approached in a pragmatic manner. The role of the United Nations and the Commission in the protection of human rights and fundamental freedoms must be reinforced. In this connection, Hungary welcomed the decision to convene the 1993 World Conference on Human Rights. His country would actively participate in preparations for the Conference, which should give particular attention to the indivisibility and interdependence of all human rights to democracy and development.

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The record of the Commission over the past 50 years was positive, he said. It had not only set human rights standards, but had facilitated a wide consensus in that regard and over the fact that those rights were indispensable to political stability and prosperity. That session was particularly important, as human rights and fundamental freedoms were threatened in a number of regions in the world. The dissolution of the Soviet Union and the bloc of so-called socialist European States, as well as the crisis in Yugoslavia, were a tragic source of violations. Discrimination and racial intolerance, and hatred for racial and religious reasons, had spread despite the fall of certain ideological barriers. Furthermore, reports of massacres, torture and disappearances were received every day. Improvement of that situation constituted the main challenge before the international community and the Commission.

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29 January 1992

HUMAN RIGHTS COMMISSION TAKES UP QUESTION OF VIOLATIONS IN OCCUPIED ARAB TERRITORIES

Israel, Morocco, Palestine and Jordan among Speakers

GENEVA, 28 January (UN Information Service) -- The Commission on Human Rights today took up the question of the violation of human rights in the occupied Arab territories, including Palestine.

Introducing the item, the Under-Secretary-General for Human Rights, Jan Martenson, said that since the start of the Palestinian uprising over four years ago, there had been a further deterioration of the human rights situation in the occupied territories. United Nations organs dealing with this issue had consistently stressed the need to initiate urgent measures to halt this dangerous trend.

Speaking on the item were the delegations of Israel, Morocco, Palestine and Jordan and the Arab Organization for Human Rights.

After the Commission's programme of work was approved, the Chairman, Pal Solt (Hungary) announced that the following personalities were scheduled to address the Commission during the session: Duarte Ivo Cruz, Deputy Minister for Foreign Affairs of Portugal, on 29 January; Lennox M. Boyd, Under-Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, on 30 January; Omer Arteh Ghalib, Prime Minister of Somalia, on 31 January; Bernard Kouchner, Secretary of State for Humanitarian Action of France, on 3 February; Emeka Anyaoku, Secretary-General of the Commonwealth, on 4 February; Armando Duran, Minister for External Relations of Venezuela, on 4 February; Habib Ben Yahia, Minister for Foreign Affairs of Tunisia, on 6 February.

Also, Dan Quayle, Vice-President of the United States, on 10 February; Ibrahim Badawi, President of the African Commission of Human and People's Rights, during the week of 10 to 14 February; Augusto Blacker Miller, Minister for Foreign Affairs of Peru, on 17 February; Rene Felber, President of the

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Helvetic Confederation and Chief of the Federal Department of Foreign Affairs, on 17 February; and Bernd Niehaus, Minister for Foreign Affairs of Costa Rica, on 19 February.

Violation of Human Rights in Occupied Arab Territories

In considering the item on violation of human rights in the occupied Arab territories, the Commission had before it a report of the Secretary-General (document E/CN.4/1992/6) on the efforts to bring Commission resolutions 1991/1 A and B and 1991/2 to the attention of all Governments, competent United Nations organs, specialized agencies, regional intergovernmental and international humanitarian organizations. The report also details the activities undertaken by the Department of Public Information (DPI) in connection with Palestinian rights.

Also before the Commission was document E/CN.4/1992/7, listing all United Nations reports issued between sessions of the Commission that deal with the living conditions of the population of the Palestinian and other Arab territories. Among them are: the report of the Economic and Social Council for 1991, chapter IV, section H, on permanent sovereignty over national resources in the occupied Palestinian and other Arab territories (document A/46/3); the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for the period 1 July 1990 to 30 June 1991 (document A/46/13 and Corr.1 and Add.1); the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (document A/46/35); and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories: note by the Secretary-General (document A/46/65).

Statements

JAN MARTENSON, Under-Secretary-General for Human Rights, said that since the start of the Palestinian uprising against occupation more than four years ago, a further deterioration of the human rights situation had been observed. United Nations organs dealing with the issue had consistently stressed the need to halt the dangerous trend and to arrive, through negotiations, at a comprehensive, just and lasting settlement of the Arab-Israeli conflict, which would take into account the rights of all peoples in the area. In its report to the General Assembly, the Special Committee on Israeli Practices had concluded that the life of the Palestinian and other Arab population in the occupied territories seemed to have been reduced to the level of mere subsistence.

He said that in his statement before the Assembly's Special Political Committee last year, the Chairman of the Special Committee on Israeli Practices, while recalling the gravity of recent developments in the occupied territories, had expressed the hope that the historical process which had been initiated with the Madrid Middle East conference would pave the way for a settlement of the Arab-Israeli conflict.

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ITZHAK LIOR, observer for Israel, said the 12 months since the Commission's last session had been eventful and pregnant with unforetold consequences. The period had seen the marked change in Israel's position in the international arena. Many of the old misconceptions and prejudices had disappeared, clearing the way for bilateral contacts and renewed diplomatic relations with countries from all continents. It was not utterly far-fetched to hope that before too long there would be an exchange of ambassadors between Israel and its immediate Arab neighbours.

In negotiating with Israel, he continued, President Anwar Sadat knew several things that seemed to have since been forgotten. He knew that the people of Israel needed, above all, reassurance; that he had to demonstrate in deed that he was publicly and unconditionally ready to accept Israel; that there had to be face-to-face meetings, without intermediaries; and that it was essential to pay mutual visits and not travel to distant locations to obscure the reality of direct contacts. President Sadat had also charted the way during the Camp David negotiations for the other Arab countries, as well as the Palestinians. A step-by-step process was outlined which foresaw a gradual transfer of authority, local elections, transitional periods, confidence-building measures and the like.

Referring to the multilateral talks begun today in Moscow, he said difficulties in the negotiations, particularly during the first encounters, were to be expected. Decades of suspicion and distrust required time to be overcome. Extremists in the region were waiting to castigate the negotiators for alleged "concessions". The Commission could contribute to the effort by offering encouragement and support and by providing for an atmosphere of tranquillity and confidence for the negotiators, who would greatly benefit from a non-confrontational ambiance. He appealed to the members of the Commission to reflect upon the promising developments taking place and to refrain from antagonistic attitudes.

EL GHALI BENHIMA, observer for Morocco, said the events characterizing the last decade led one to believe that the world was about to witness a new world order. Among the people who should benefit from this détente were the Palestinians, who had endured more than 40 years of Israeli occupation. The fate of the Palestinian people was decided by the Israeli authorities, who expelled those with whom they did not want to deal. The intifadah was a natural response to a situation which was unbearable. It was a source of disgust that the situation in occupied Palestine was characterized by collusion between the authorities and extremist settlers. That and other practices, including the decision to expel 12 Palestinians, had been denounced by every international forum as obstacles to the peace process.

The President of the Committee on Jerusalem, King Hassan II, had expressed support for the peace actions, he continued. The search for a solution of all pending problems should not be restricted to some while others were kept out. Until the problem was solved, there must be an end to the building of settlements and the implantation of immigrants in the occupied territories. That settler imperialism was aimed at uprooting the Palestinian people and their national entity. The building of settlements was not merely

an obstacle to the peace process, but a violation that should be confronted. Furthermore, Israel had refused to comply with the Commission's resolutions. It was a source of deep regret that the Israeli authorities had impeded the mission to investigate Israeli practices in the occupied territories from doing its work. Also, the situations in the Golan and in southern Lebanon were no less dangerous and no less important than that in Palestine.

TAISSIR AL-ADJOURI, observer for Palestine, said that repeated United Nations resolutions which denounced Israel's crimes against the Palestinian people were attempts to cope with Israeli acts of "affronts against mankind". Israel had refused to comply with the international community's wishes, which were expressions of respect for international law and respect for the conscience of mankind. Israel had not stopped any of the human rights violations perpetrated against Palestinians, which were reported by the Special Committee on Israeli Practices. In fact, the situation in occupied Palestine had worsened since the commencement of the intifadah and the persistent occupation policy of the Israeli Government.

The Gulf crisis and subsequent war had led to increased arbitrary practices by Israel, he continued. Approximately 2,000 Palestinians had been killed or maimed since the beginning of the intifadah. Extensive violations of basic human rights of the Palestinian people were systematically perpetrated by Israel, with flagrant disrespect for United Nations resolutions.

ADIB AL-JADIR, of the Arab Organization for Human Rights, said Israel had violated the Fourth Geneva Convention on the protection of civilians during armed conflicts. The Security Council had denounced Israel's recent decision to deport 12 Palestinians. The number of settlers implanted in the occupied territory stood at 120,000 in Jerusalem and 3,000 in Gaza. Israel planned to build 12,000 settler dwellings in the West Bank. It was encouraging Jews from all over the world to migrate to Israel while denying Palestinians the right to return to their country. That was a flagrant violation of their human rights, particularly the right to return to one's own country.

There was no doubt, he went on, that Israel would continue to appropriate the land and agricultural resources of the Palestinians. Indeed, it had continued its violations during the current peace talks. Palestinian refugees needed international protection under The Hague and Geneva Conventions. United Nations forces should be deployed to prevent further violations of the rights of the Palestinians. Such forces could guarantee the success of the current negotiations.

AL SHERIF F. SHARAF, observer for Jordan, said the Commission was considering the issue of human rights violations at a time when Israel's inhuman dealings with the innocent Palestinian civilian population had reached new and fearful heights. The Palestinian people in their intifadah were expressing their legitimate right to resist and reject unlawful occupation. The Israeli response was to resort to methods of daily subjugation against the Palestinian people. Various United Nations reports had documented the extent of the killings, detentions and other inhuman practices perpetrated by the Israeli authorities.

The United Nations reports reflected the notion that the Palestinian people were barely alive, he said. Palestinians needed the protection of the international community to protect their fast-deteriorating human rights situation. Israel must respect international resolutions condemning Israeli policies of annexation and settlement. Its settlement policy was an impediment to peace in the Middle East. Such a peace would come about only with an end to Israeli occupation of Arab lands and the recognition of the inalienable rights of the Palestinian people.

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29 January 1992

HUMAN RIGHTS COMMISSION TAKES UP RIGHT TO SELF-DETERMINATION

Hears Address by Deputy Minister of Portugal on Behalf of European Community

GENEVA, 28 January (UN Information Service) -- The Commission on Human Rights this morning began discussion of the inalienable right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Under this item, which was introduced by the Under-Secretary-General for Human Rights, Jan Martenson, the Commission will consider a report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. The report was submitted by Special Rapporteur Enrique Bernales Ballesteros (Peru).

Also this morning, Duarte Ivo Cruz, Deputy Minister at the Ministry for Foreign Affairs of Portugal, addressed the Commission on behalf of the European Community and its member States. Mr. Duarte noted increased concern on the part of the Community at the growing sentiments of intolerance and xenophobia manifested in Europe. However, he welcomed positive trends towards democratization which were to be seen in parts of Eastern Europe, Latin America and Africa.

Taking part in the debate on the question of violation of human rights in the occupied Arab territories, including Palestine, and on the right of peoples to self-determination were the delegations of Austria, Syria, Nigeria, Australia, Senegal and the United States.

Representatives of the following non-governmental organizations also took part: Pan Africanist Congress of Azania (PAC), Pax Christi, Amnesty International and the Commission for the Defence of Human Rights in Central America.

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Use of Mercenaries Discussed

According to the report, the Special Rapporteur on mercenary activities had received information concerning the following conflicts: mercenaries of French nationality took part in the internal armed conflict in Myanmar, fighting on the side of the Karen rebel movement; mercenaries of Israeli nationality were reported to have been recruited, financed and used both by the Government of Sri Lanka and by the armed rebel organization, the People's Liberation Organization of Tamil Ealam (PLOTE), to provide military training; and the mercenary Jack Terrell, a United States national, allegedly participated in mercenary recruitment operations in the Philippines in May 1990.

There were other cases where the allegation that mercenaries were used in internal conflicts could not be verified because the proper information channels were lacking and because the official sources maintained a stubborn silence when questioned about the presence of mercenaries, the report says. The Special Rapporteur did not have an opportunity to assess objectively the presumed mercenary activity in internal conflicts in places such as Afghanistan, Chad, Lebanon, the Sudan and Yugoslavia.

Another form of mercenary activity, continues the report, is that resorted to by third States intervening in an internal armed conflict in order to further their own interests. This has been the most common form of mercenary activity in Africa in recent years. In the conflicts in Angola and Mozambique, mercenaries from a third Power in the region, South Africa, were involved. Third States also resorted to the use of mercenaries in order to violate the rights of other peoples to self-determination. This is what occurred, for example, when previous South African governments used mercenaries to resist the exercise by the people of Botswana, Lesotho, the Seychelles, Swaziland, Zambia and Zimbabwe of their right to self-determination.

There are mercenary resources and organized groups available to undertake mercenary activities which may have diverse immediate objectives but in essence violate sovereignty and the right to self-determination. In this regard, the Special Rapporteur mentions the following: the use of mercenaries of Israeli, British and Australian nationalities provide military instruction to Colombian drug traffickers; the mercenary behaviour exhibited by several leaders of the Tamil organization PLOTE who used their leadership position in order to receive money and weapons, putting their organization and military apparatus at the service of the Maldivian leader named Luthufi in an attempt to install him in power in the Maldives in November 1988; and the recruitment, financing and use of mercenaries of South African nationality by officials of the Government of Zaire to perform acts of violence and intimidation against militants of several political parties and student groups as reported by the President of the Zaire League of Human Rights on 4 July 1991.

(more)

Statement by Special Rapporteur

Introducing his report on the use of mercenaries, Special Rapporteur ENRIQUE BERNALES BALLESTEROS (Peru) said that developments during 1991 should lead to enhanced international cooperation and to strict adherence to international United Nations instruments. In southern Africa and Central America, where there had been mercenary activities, negotiations were taking place. Within this framework, one had to refer to the Lisbon Agreement between the Angolan Government and the National Union for the Total Independence of Angola (UNITA) guerrillas, ending the long and painful armed conflict which had been prolonged by foreign intervention and the use of mercenaries by UNITA.

However, he continued, despite the positive international climate, the armed conflict that opposed the Government of Mozambique and the Mozambique National Resistance Movement (RENAMO) guerrillas had not significantly changed. That war continued, as did the presence of mercenaries. Regarding South Africa, the Government of President de Klerk deserved recognition for having begun the process of democratization. Nevertheless, it would be premature to conclude that this process was irreversible, as some white groups had created paramilitary teams, including mercenaries.

It had been gratifying that the peace process in Central America had acquired renewed impetus. One had to refer to the Peace Accords in El Salvador, which should put an end -- thanks to United Nations intervention -- to an 11-year period of conflict. With respect to the International Convention against the Recruitment, Use, Financing or Training of Mercenaries, Mr. Ballesteros said that only four States had become States parties to it.

He recommended support for the peace accords on Angola and that country's democratization; adequate backing for the Mozambican Government's negotiations with RENAMO; that special attention be given to the evolution of the situation in other African countries, particularly Liberia and Zaire; and support for President de Klerk's policy of dismantling apartheid, with emphasis on the reversibility of the process as long as racist paramilitary organizations were permitted to emerge. He also recommended that the Commission continue to consider the negative consequences for human rights of acts of violence committed by armed groups and drug traffickers.

Statement by Deputy Minister for Foreign Affairs of Portugal

DUARTE IVO CRUZ, Deputy Minister at the Ministry for Foreign Affairs of Portugal, speaking on behalf of the European Community and its member States, observed that the Commission had gained even greater relevance following its enlargement and he expressed hope that this increased participation would strengthen the acceptance of a common endeavour to respect human rights. It was precisely because the Community and its member States were firmly convinced of the values of a meaningful cooperation and solidarity towards the promotion of freedom, justice and peace in the world, that they refused to qualify as interference in internal affairs the expression of concern about violations of human rights in any country where they might occur.

Respecting, promoting and safeguarding human rights was a major factor in international relations, the speaker said. It was with satisfaction that they noted the increasing number of parties to the most important instruments approved in this field. This significant trend was undoubtedly reaffirmed by the unprecedented number of ratifications and accessions to the Convention on the Rights of the Child. That instrument was a lively illustration of the universal character of human rights.

The protection and promotion of one category of rights could never exempt States from the protection and promotion of the other category of rights. Neither lack of social and economic development, nor any persuasion or ideology might serve as a justification for the denial of fundamental human rights. It was within this framework that the European Community and its member States recognized, in its recent resolution on human rights, democracy and development, adopted on 28 November 1991, the important role played by human rights and democracy to achieve balanced and sustainable development. Respect for human rights was, as stated in the Declaration of the European Council of June 1991, one of the cornerstones of the Community's policy of cooperation and assistance to other countries.

While welcoming the positive trends towards democratization and political pluralism now being witnessed, namely in parts of Eastern Europe, Latin America and Africa, he noted with concern the growing sentiments of intolerance and xenophobia manifested in Europe as well as in other parts of the world. He also expressed concern over certain recent situations where violations of basic human rights had occurred in Yugoslavia, Burma, the occupied Arab territories and East Timor.

With reference to the programme of advisory services, Mr. Ivo Cruz said technical assistance had been set up to help Governments in their efforts to provide better knowledge and deeper awareness of the principles of human rights, while strengthening the transitional process towards democracy and the rule of law. However, the system of advisory services and technical assistance should not be used as an excuse to violate human rights. In view of such goals, he recognized the key importance of the Centre for Human Rights, which could only play a vital role if provided with sufficient staff and resources. This programme, as well as other valuable procedures, could only function effectively with the full cooperation of Governments. They should also respect the work of non-governmental organizations dealing with human rights.

He said the European Community underlined the essential and increasing role of national institutions for the promotion and protection of human rights and the need to ensure their independence and their effective action. Yet, the responsibility of implementing the tasks outlined lay primarily with the United Nations Member States and, specifically, on the members of the Commission. It was the fervent desire of the Community and its member States to offer their full support, in cooperation with other members of the international community, for the further enhancement of those fundamental values.

(more)

Statements on Human Rights Violations in Israeli Occupied Territories

FELIX ERMACORA (Austria) remarked that since the Commission had last considered the issue of violations of human rights in the occupied Arab territories, a process had begun in Madrid which, he hoped, would achieve a peaceful settlement in the Middle East. However, Israel continued to violate the rights of those under its occupation in acts which were detrimental to the peace process.

Austria appealed to the Israeli authorities to admit the applicability of the Fourth Geneva Convention in the occupied territories and to cease proceedings in connection with the deportation of 11 Palestinians. The settlements were a grave impediment to the search for peace. In addition, he appealed to Palestinian leaders in the occupied territories to desist from any further use of violence. Such an act would demonstrate their commitment to solving problems at the conference table and not by recourse to violence.

AHMAD FARTHI MASRI (Syria) said that the Commission's consideration of this issue took place against a background of increasing premeditated violation of human rights in the occupied Arab territories in flagrant violation of various international resolutions. Those violations by Israel struck at the very heart of the economic, political, cultural and social rights of the Arab population in the territories.

Occupation was one of the most serious violations of human rights, having both a collective and individual impact. Acts perpetrated in the name of occupation ran contrary to the rules of international law. As examples, he cited the Israeli occupation of the Syrian Arab Golan and Jerusalem, diversion of waterways, aggression, torture, mutilation, humiliation and, in particular, arbitrary executions and the change in the demographic make-up of the occupied Arab territories. The urgency of ending the policies of occupation and annexation by Israel of the occupied Arab territories was underlined by the reports of the Secretary-General and of the Special Committee. While the Israeli occupation persisted, human rights would continue to be violated.

E.A. AZIKIWE (Nigeria) called on the Israeli authorities to make an effort to stop the use of detention without trial, punitive destruction of homes of suspected Palestinian activists, and the deportation of the inhabitants. Those acts were a threat to international peace and security. As Israel was not the only party to this conflict, the solution did not lie with Israel alone. The Middle East question touched on fundamental and basic rights which required the cooperation of all the parties. In that light, he welcomed the commencement of the Middle East peace conference in Washington, D.C., but was disappointed that the anticipated progress of this conference was being slowed by procedural wrangling. He called on the international community not to sit idly by and see the collapse of this conference.

Concerning the inalienable right of self-determination, Mr. Azikiwe said he was deeply disturbed that, despite the high priority accorded this right by the international community, it continued to elude millions of inhabitants in many parts of the globe, particularly in South Africa, the occupied Arab

territories, Western Sahara and Afghanistan. He welcomed, on the other hand, the coordinated efforts of the international community which had reversed Iraqi occupation of Kuwait last year, and the Paris Cambodian peace talks which would pave the way to restoration of peace for the long-suffering people of Cambodia.

R.L.C. COTTON (Australia) stated that promotion of self-determination was a fundamental concern of the United Nations. The subject had added significance at this session of the Commission, because 1991 had seen the attainment of independence by more States than in any year since the heyday of decolonization. Australia welcomed the independence of the Baltic States and the agreements concluded last October which offered the Cambodian people a real prospect of peace. The right to self-determination was a right of peoples, not of Governments or States. It should not be appropriated by Governments in an attempt to avoid legitimate scrutiny of their human rights performance.

Concerning the Middle East, Australia supported the peace process and reiterated its support for resolution of the conflict based on Security Council resolutions 242 (1967) and 338 (1973). He called on Israel to accept the de jure applicability of the Fourth Geneva Convention. Recent history had shown that the will of the people would sooner or later find meaningful expression. Australia was no stranger to the challenge of ensuring harmony in a situation of racial and ethnic diversity. This diversity should be encouraged within an agreed political and social environment. Where individual rights were denied, the popular will could not effectively be expressed. Without self-determination, peoples could not exercise their full range of individual rights.

ALIOUNE SENE (Senegal) emphasized the urgent need to ensure the protection of the civilian populations in the occupied territories in accordance with the provisions of the Fourth Geneva Convention and the relevant General Assembly and Security Council resolutions. He hailed the work of the specialized institutions, the intergovernmental and non-governmental organizations which provided humanitarian aid to populations in distress.

He said he had attended last year in Geneva the Women's Conference for Israeli-Palestinian Peace. Women from Israel, the occupied territories and all over the world had dealt with questions of great importance with admirable competence and serenity. The meeting led one to believe that dialogue and negotiations to achieve peace were on the agenda and it deserved the Commission's attention. Only a just, global and durable peace in the Middle East could allow this region to devote itself to development and progress. It was essential that, based on international legality, the rights of the Palestinian people to self-determination and a homeland had to be recognized. The trust and security of all parties had to be reinforced in order to create a climate appropriate for constructive dialogue. Action by the Commission should go in that direction.

(more)

J. KENNETH BLACKWELL (United States) said that the convening of the Madrid conference was historic, marking the first move in almost half a century towards a truly comprehensive peace. The exchanges had been tough, but laid the groundwork for further progress and the parties to the negotiation needed all the encouragement they could get. The principle of territory for peace had to be elaborated to provide for the security and recognition of Israel as well as for legitimate Palestinian political rights.

There were many threats to peace. Civil violence cast a particularly dark cloud over the peace process. The United States was concerned about a number of Israeli practices in the occupied territories, including excessive use of force, deportations, arbitrary administrative detention and demolition of homes as collective punishment. But it was also concerned about the continuing violence directed against Israelis. Another obstacle to peace was continued Israeli settlement activity in the occupied territories. The United States strongly opposed settlement activity and had urged repeatedly that it be suspended. However, there was no point, he said, in a sterile debate on the question of the legality of the settlements. This was the time for all parties to rededicate themselves "to the achievement of peace in this most unpeaceful of regions".

MOTSOKO PHEKO, of the Pan Africanist Congress of Azania (PAC), recalled that the period 1991 to 2000 had been declared the International Decade for the Eradication of Colonialism, by the General Assembly in 1988. A number of Assembly resolutions, the Charter and the 1977 Geneva Protocol supported the right to self-determination for all peoples. It was therefore abominable that vigorous attempts were being made by some countries to remove South Africa from the list of territories to be decolonized. South Africa was the last bastion of colonialism in Africa. It did not make sense to welcome the independence of Estonia, Latvia and Lithuania, which had been lost only 50 years ago, but tenaciously oppose the right of the dispossessed African people of South Africa (Azania) to self-determination.

There was a carefully orchestrated campaign of deception by certain quarters that there was change in South Africa warranting not only the lifting of sanctions and other pressures against the colonialist regime of South Africa, but "that the independence of Namibia has rendered irrelevant the consideration of apartheid in the framework of decolonization". This was the most demonic colonial thinking of the twentieth century. It was devoid of truth and was nakedly demonstrating that the so-called new world order intended to perpetuate white racist colonialist rule in South Africa in a new complexion. In South Africa there was no fundamental change on the issue of racist colonial rule. Africans were still under alien rule. The African people in South Africa had the right to self-determination, he added. They demanded decolonization of their country now, not the white-washing of the crime of apartheid and the double standard condoning colonialism and racism.

JACQUES VITTORI, of Pax Christi, said that the international community had a duty to stand behind all victims of human rights violations and call the guilty to order. The situation in the occupied Arab territories had worsened considerably since the Gulf war due to repeated curfews and the influx of

Russian Jews. The Israeli Government was building roads which excluded the Palestinian population and was diverting waterways for Palestinian communities.

Pax Christi was concerned at the Israeli Government's aggressive settlements policy, the ambivalent attitudes of its authorities towards the illegal settlement, destruction and occupation of church property. He asked how long the feeble protests of the civilized world would continue? Was it not disturbing that the United Nations had been used to legitimize a war which had created thousands of victims and permitted a feudal monarch to return to his throne and yet, the United Nations was unable to attend the Middle East peace conference?

MARIETTE GRANGE, of Amnesty International, pointed out that the Israeli authorities in the occupied territories systematically used interrogation practices which amounted to torture or ill-treatment. Under the Israeli military justice system in the occupied territories, detainees' access to judges was routinely withheld for 18 days and access to lawyers and family for much longer periods. Shortcomings of the Israeli justice system in the occupied territories facilitated the infliction of torture or ill-treatment. Either the Israeli Government was endorsing methods of torture or ill-treatment permitted by secret guidelines on interrogation, or else Israeli interrogators were massively violating those guidelines in addition to the international legal prohibition of torture and ill-treatment.

Amnesty International welcomed Israel's ratification in October 1991 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, it was regrettable that that Government had decided, among other reservations, not to recognize the competence of the Committee against Torture.

ANTONIA REYES, of the Commission for the Defence of Human Rights in Central America, said that almost all the countries of the region had suffered the North American presence. She focused attention on the situation in Panama, which was still suffering the consequences of the United States invasion of 1989. More than 2,000 persons had died, many had disappeared and 18,000 civilians had been left homeless. Americans did not comply with the Torrijo Carter Treaties as they moved freely through Panamanian territory. The conditions for the handing over of control of the country to the United States Government were being created.

During the invasion, she continued, it was clear that the military forces had acted in an indiscriminate way without any regard for Panamanian civilians. It was therefore just and proper that the United States compensate those victims. Her Commission called attention in particular to the administration of justice in the country since the invasion. Hundreds of trials had been carried out without regard to due process. Above all, American agencies such as the Federal Bureau of Investigation conducted interrogations and submitted reports written in English to Panamanian authorities. There were clear violations of international law, of the Charter and General Assembly and Security Council resolutions. The Commission should ask the United States Government to withdraw its occupation army and compensate the Panamanian State and people, and designate a group of its members to investigate the human rights situation in Panama.

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United Nations

Press Release

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30 January 1992

HUMAN RIGHTS COMMISSION CONTINUES EXAMINING VIOLATIONS IN OCCUPIED ARAB TERRITORIES

Also Discussing Right to Self-Determination

GENEVA, 29 January (UN Information Service) -- The Commission on Human Rights this afternoon continued to examine allegations of human rights violations in the Arab territories occupied by Israel since 1967. The Commission also continued its discussion of self-determination concerns.

Among the documents before the Commission was a report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. That report concludes that the situation of the Palestinians and other Arabs under Israeli occupation had "deteriorated to such an extent that this population is now reaching a state of mere survival".

Taking the floor this afternoon were representatives of Portugal (on behalf of the European Community), Cuba, Iran, China, Cyprus, India and Egypt.

The representatives of the following non-governmental organizations also spoke: Centre Europe-Tiers Monde, International Federation Terre des Hommes, Liberation, Arab Lawyers' Union, Pax Christi International and FEDEFAM.

The Observer for Algeria spoke in exercise of the right of reply.

Violations in Occupied Territories

In its report, the Special Committee indicates that it relied on the following sources: the testimony of persons with first-hand knowledge of the situation of the population in the occupied territories; reports in the Israeli press, including statements by persons in the Government; and reports appearing in other news media, including the Arab language press published in the occupied territories and the international press. The Special Committee states that since its establishment, it has consistently tried to obtain the cooperation of the Government of Israel but, in spite of repeated attempts, has so far been denied such cooperation.

(more)

For information media--not an official record

On the basis of the information and evidence put before it, the report continues, the Special Committee concluded that during the reporting period the human rights situation of the Palestinians and other Arabs in the occupied territories has deteriorated to such an extent that that population is now reaching a state of mere survival. The persistence of that negative trend, intensified in the recent period by the accumulated hardships of more than three years of struggle and by the repercussions of the Gulf crisis and ensuing war, basically derives from the fundamental fact that occupation in itself constitutes a violation of human rights.

Statements

MALIK OZDEN, observer for Centre Europe-Tiers Monde, recalled that for several years his organization had taken the floor of the Commission to denounce human rights violations in Eritrea. He was happy to take the floor again now that the war had ended and that independence had been installed on the ground in Eritrea and a provisional Government had been established last June. The Government had decided to organize a referendum on self-determination in Eritrea in 1993 and had asked the international community, and particularly the United Nations, to supervise it. He hoped that the members of the Commission would support that democratic initiative.

As the Centre had pointed out before, he went on, the United Nations bore major responsibility for the war between Eritrea and Ethiopia, since it had imposed federation with the latter on Eritrea in 1950, against the wishes of the Eritrean people and in violation of the Charter, and because the Organization had remained silent during the brutal annexation of Eritrea. The United Nations should recognize at last Eritrean's right to self-determination. He asked the members of the Commission to adopt a resolution foreseeing the creation of a special United Nations committee to oversee the referendum in Eritrea.

GONCALO DE SANTA-CLARA GOMES (Portugal), speaking on behalf of the 12-member European Community, said that while the Twelve welcomed the recent convening of the Madrid peace conference, the encouraging developments on the political scene had yet to be translated into an improvement in the human rights situation in the occupied territories. Israel's denial of self-determination of the Palestinian people constituted in itself a violation of human rights and was at the root of the violation of many other fundamental rights.

In the past, the Twelve had presented resolutions calling upon Israel to stop the installation of new settlements. Regrettably, those appeals had gone unanswered and the European Community and its member States had no choice but to present a new draft resolution on the issue. In the text, the Twelve supported the right of Jews who wished to do so to emigrate to Israel, but reiterated that that right must not be implemented at the expense of the rights of the Palestinians in the occupied territories. In addition, the European Community and its member States had already publicly expressed their

grave concern over the recent illegal decision to deport 12 Palestinians. The Twelve believed that violence bred violence and called upon all parties to refrain from any such acts in the future.

RAUL ROA KOURI (Cuba) said that in the wake of the collapse of the unreal socialism in Eastern Europe and the dismemberment of the old Soviet Union, under the hegemony of the United States only the delusional or myopic could feel hopeful with current trends, in which the predominance of the North underlined the incertitude of a famished, indebted South. As for Palestine and the territories illegally occupied by Israel, including Jerusalem, the prospect of a peaceful solution between the opposing sides had done little to ease the exceptional measures being implemented by Israel or the brutal reprisals to which it subjected Palestinian patriots. The Zionist authorities, following a racist policy of de-Arabization of the occupied territories by imposing a Judaization by military force, continued to refuse to apply the Fourth Geneva Convention.

Disregarding the condemnation of the Security Council, Israel continued its policy of illegal deportations. It also denied the right of Palestinian professionals to participate in international conferences and events abroad. Among the victims of the Israeli occupiers were children, adolescents, the elderly, women and men. The demolition of houses had been extended as a means of punishment for the activities of the Palestinian resistance. That policy of demolition was applied independently of court sentences, with complete arbitrariness. For Cuba, he went on, there could not be a just and lasting peace if the demands of the Palestinians were not taken into account, from representation at the negotiating table to the establishment of an independent Palestinian state.

HAMID REZA HOSSEINI (Iran) remarked that the Middle East problem persisted and the oppressed Palestinian people continued to suffer. Israel, in a vicious campaign to eliminate the Islamic resistance, had embarked on a policy of expulsion of Palestinian inhabitants, forcible change of the demographic composition, as well as murdering and injuring large numbers of the oppressed Muslim people of Palestine. The occupying authorities had deported, jailed and kidnapped many Palestinians over the past years. Israel's intention to establish further settlements and increase the settler population was clear proof of "a deliberate will to modify the demographic composition of the occupied territories".

It was incumbent upon the international community to counter such illegal and inhuman practices which were clearly contrary to the international norms and law. It was the duty of the international community to take effective measures towards restoring the legitimate rights of the Palestinian people, including the enjoyment of human rights, security and the right to self-determination. A just and lasting solution to the Middle East and Palestine problem would have to include the return of the Palestinian people to their homeland and restoration of their independent state in the entire land of Palestine, the speaker concluded.

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ZHAN DAODE (China) noted with regret that the right to self-determination for the Palestinian people had not materialized and Israel continued to refuse to return the occupied Arab territories to the Arab people. This occupation itself constituted a gross violation of human rights. Furthermore, Israel continued to refuse to implement the provisions of the Fourth Geneva Convention of August 1949 and the Palestinian people and other Arab peoples in the occupied territories were still subjected to Israeli domination and suppression.

China, he declared, had always stood for seeking a political settlement of the Middle East and the Palestinian question on the basis of the relevant resolutions of the United Nations, in particular, Security Council resolutions 242 (1967) and 338 (1973). The occupied Arab territories should be returned, the legitimate rights of the Palestinian people restored, and the sovereignty and security of all the countries in the Middle East, including Israel, should be respected and guaranteed, so that the Arab and Jewish peoples could finally live in peace and harmony in the region.

As a permanent member of the Security Council, China would, as always, work for a peaceful settlement of the Middle East question. China was glad to note that after resolving procedural matters, the Arab countries and Israel had held separate talks among themselves. He appealed to all parties not to resort to actions which would jeopardize the atmosphere of the negotiations.

VANIAS MARKIDES (Cyprus) noted that the question of Palestine, the core of the Arab-Israeli conflict in the Middle East, had been a major concern of the United Nations for over 40 years. He suggested that the necessary elements for the solution of the question called for the withdrawal of Israel from the occupied Palestinian territories, including Jerusalem, as well as from all other Arab territories occupied since 1967; the attainment of the inalienable rights of the Palestinian people, including self-determination and establishment of an independent and sovereign state; and the political recognition and guarantee of all States in the region, including Israel, to live in peace within secure and recognized borders.

The new international climate following the developments in the Gulf and the enhanced role of the United Nations augured well for the advancement of the peace process. Mr. Markides said the question of the Israeli occupation and of practices in southern Lebanon should also be addressed by giving effect to the will of the international community as expressed in relevant Security Council resolutions. The United Nations Interim Force in Lebanon (UNIFIL) should be enabled fully to carry out its task, thus ensuring peace and security and assisting the Government of Lebanon to extend its authority and sovereignty over all of Lebanon's territory. In the same spirit, the United Nations resolutions demanding the withdrawal of Israel from all territories acquired by force since 1967, including the Golan Heights, must be implemented. Acts like the settlement activities and deportation of Palestinian civilians from the occupied territories not only constituted grave human rights violations but harmed the auspicious and hopeful climate of the peace talks.

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DEBASHISH CHAKRAVARTI (India) said that the situation in Palestine had been fraught with complexities connected with its historical evolution and mutual distrust and compounded with recurring hostilities. India welcomed the initiation of the peace process in the Middle East. He hoped that the United Nations would soon have the responsibility and status commensurate with its essential role in the current peace process.

The practice of establishing Israeli settlements in the occupied territories and bringing new immigrants for settlement had resulted in the denial of the availability of the means of development to the Arab inhabitants, including the rights to their homeland, as well as the recognition of the rights of all States of the region, including Palestine and Israel, to live in peace within internationally recognized boundaries.

EYLAH KADJAR-HAMOUDA, of the International Federation Terre des Hommes, said that once the General Assembly adopted the budget for the United Nations Mission for the Referendum in Western Sahara (MINURSO), the only thing missing for the holding of the referendum in Western Sahara was the will of the Moroccan Government to participate in a just and equitable process supported by the international community. By resorting to delaying tactics, excuses, contradictions, espionage, threats and increased police surveillance of the Western Saharan population; by sending 170,000 Moroccans into Western Saharan territory to inflate the future voters rolls; and finally by breaking the agreed cease-fire, the Government had done everything possible to impede the referendum.

In order that the referendum process could go ahead, she continued, the Commission should reaffirm the right to self-determination of the Western Saharans; continue to support the dialogue already initiated aimed at finding a peaceful solution of the conflict; condemn the Government of Morocco for its human rights violations inflicted on the population, particularly those in favour of the referendum; and recommend that all Governments concerned abstain from collaborating with the Moroccan Government as long as human rights in general, and the fundamental rights of the Western Saharan population in particular, were not respected.

TENGKU HASAN M. DI TIRO, of Liberation, declared that the people of Acheh, also known as Sumatra, had been resisting the alien, Javanese, Indonesian colonialist occupation army for the last 15 years. Acheh had been a universally-recognized independent sovereign State for a thousand years before anyone had ever heard of the name of "Indonesia". Before and after the arrival of Western imperialism to South-East Asia, there were cartographic proofs, histories, diplomatic correspondence and international treaties to which Acheh was a party. The Netherlands had illegally transferred Acheh to Indonesia and the Javanese military had done the rest. No decolonization had taken place in the Dutch East Indies; only its name was changed to Indonesia.

"Indonesia" was merely a geographic expression, not the name of any people or of any country. It was used by the Javanese to misrepresent the diverse peoples of the Malay Archipelago and to destroy their identities. The delegate stated that the magnitude of the killings committed by Indonesia in

Acheh had come close to genocide on account of the Achehnese demand for their right of self-determination. He called for international intervention to stop the genocidal activities of the regime against the people of Acheh. An election under United Nations supervision should be held to enable the Achehnese people to exercise their right of self-determination.

HASSAN AL-ATTAR, of the Arab Lawyers Union, said that since the beginning of the intifadah, violations by the Israeli occupation authorities had become more atrocious. The Information Centre for Human Rights in the West Bank had reported that 81 Palestinians had been killed by the Israeli forces. The death toll included 255 children. During the same period the military had placed more than 15,000 persons under administrative detention. The Israeli Government did not take any disciplinary action against those responsible for human rights violations. The use of violence even spilled into the health service centres.

According to Mr. Al-Attar, reports showed that the Israeli authorities were very lenient towards Israeli settlers who committed violent acts against Palestinians. The authorities also carried out collective punishment, including the closure of schools, the desecration of Muslim and Christian holy places and the restriction of movement. Curfews were imposed for long periods on Palestinian areas, interfering with the livelihood of inhabitants.

Furthermore, the policy of demolition of houses had been resumed. In spite of condemnation by the Security Council, Israel last month had deported 12 Palestinians. The authorities also continued to confiscate Palestinians' land. While Palestinians were not allowed into their own territory, Jews from all over the world were being settled in the occupied territories. This was a case of racial discrimination.

MOUNIR ZAHRAN (Egypt) said the emerging new world order had begun to affect international affairs, ushering in a new period of peace and stability. Regional conflicts all over the world were being tackled. The tense situation in the Middle East persisted, in spite of the attempts of the international community to resolve the Arab-Israeli conflict. It was high time that the Middle East got in step with the rest of the world.

In this context, the peace process begun in Madrid was to be welcomed and should continue until a just and lasting peace was created for all parties to the conflict. The international community should impose upon Israel respect for international law. He said he was convinced that violations of human rights of Palestinians would only cease when the occupation was ended. Israel's policies of deportation and settlement threatened the very demography of the Palestinian population. He called for increased international pressure upon Israel to cease those illegal policies.

MICHAEL VAN WALT, of Pax Christi International, said that in East Timor, persons were imprisoned and demonstrators killed because of their call for an end to the occupation of their territory. In the territories occupied by Israel, Palestinians waging a struggle for self-determination were denied their basic human rights. In Western Sahara, human rights violations were

tied to the continued denial of the Western Saharans' right to self-determination. The suffering of the people of Bougainville was the direct consequence of the continued blockade of the island by Papua New Guinea. Kurds were being oppressed because they refused to submit entirely to alien domination.

True stability and peace could only arise out of a sufficient degree of satisfaction among the concerned peoples with the situation they were in and with their relationship to other peoples. Oppression and forced participation in a State structure might give an appearance of stability, but in actual fact it created an explosive situation which was as much more likely to result in human rights violations, violence and instability. In dealing with the above-mentioned situations, the Com ission should at the very least recognize the limited effectiveness of addressing only individual human rights violations when the cause of those violations lay in the denial to a people of their right to self-determination.

MAGDA SANCHEZ, of FEDEFAM, drew the attention of the Commission to the 25 million Kurds who were victims of centuries of antagonism and oppression. The world turned away from this reality. Today, the weather and Turkish security forces were real threats to the safety of the Kurds. The Kurds were prepared to negotiate. Without a solution ensuring the rights of the Kurdish people, there would never be peace in that region.

Regarding Western Sahara, in January 1992, waves of mass detentions of young people had occurred which were followed by disappearances. Paradoxically, January 1992 was to have been the date for the United Nations-backed referendum process to commence. Her organization appealed to the Commission to encourage Morocco to end its detention policy and to release prisoners.

Right of Reply

ABDELHAMID SEMICHI, Observer for Algeria, said the spokesman for Australia had resorted in his statement this morning to portraying Algeria as a country which had broken with the democratic trends evident elsewhere in the world by interrupting the electoral process. Algeria was committed to the democratic process on which it had embarked. He wished to assure the Australian representative that the democratic process would resume in the country when Algeria deemed it appropriate.

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United Nations

Press Release

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UNITED KINGDOM PARLIAMENTARY UNDER-SECRETARY OF STATE ADDRESSES COMMISSION ON HUMAN RIGHTS

Debate Continues on Human Rights in Occupied Arab Territories And on Right to Self-Determination

GENEVA, 30 January (UN Information Service) -- One way to implement the words spoken about the need to improve respect for human rights world-wide was to focus on the accountability of all human rights abusers, whoever they are, said Mark Lennox-Boyd, Parliamentary Under-Secretary for Foreign and Commonwealth Affairs of the United Kingdom, this morning before the Commission on Human Rights. To demonstrate the British Government's determination to eradicate the outrage of torture, he announced a British contribution of $25,000 to the United Nations Voluntary Fund for the Victims of Torture.

Also this morning, the Commisssion proceeded with its debate on human rights violations in the occupied Arab territories, including Palestine, and the right of all peoples to self-determination. Statements on those matters were made by representatives of Pakistan, China, Cyprus, Indonesia, Mauritania, United States, Gambia, Oman and Algeria.

The representatives of the International Commission of Jurists, the Women's International League for Peace and Freedom, and the International League for the Rights and the Liberation of Peoples also spoke.

India, China, Turkey, Pakistan and Iraq exercised their right of reply.

Statement by Under-Secretary of State

MARK LENNOX-BOYD, Parliamentary Under-Secretary for Foreign and Commonwealth Affairs of the United Kingdom, said that, in terms of what more could be done to help implement the words spoken about the need to improve respect for human rights world-wide, one way to do so was to focus on the accountability of all human rights abuses, be they Governments, organizations outside Government control or individuals. States had to carry out the obligations they had assumed. Yet, the system existing at the moment was finding its task increasingly difficult to perform.

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Accountability was achieved by various means other than the monitoring system, for example, the part played by public opinion backed by a vigorous and free press and non-governmental organizations. Failure in accountability could lead Governments to think that they could act with impunity in all their affairs. He referred to the "bloody and despicable nature of human rights abuse in Iraq today" and the "deplorable situation in Burma". Good government meant respect for human rights, accountable government under the rule of law and sound economic management. The British Government sought to encourage those principles by working through its aid programme with the countries concerned.

Statements in Debate

AHMAD KAMAL (Pakistan) said that self-determination was the raison d'être of every nation State. There were today some who professed that the concept of self-determination only applied to nations and peoples receiving independence from colonial and alien domination and that, with the end of such domination, the concept had lost its relevance. That was deceptive and fallacious. Self-determination represented a fundamental and inalienable right of all peoples and nations, a right that was inherent and which the passage of time could not change.

It was a great tragedy for South Asia that the 5 million people of Jammu and Kashmir were denied that right, he said. The Security Council had provided that the final status of the territory should be decided by a plebiscite to be held under the auspices of the United Nations. Though India had initially agreed to the plebiscite, it later reneged on its commitment. Since then, it had contemptuously disregarded the various Security Council resolutions and continued to occupy Jammu and Kashmir by force against the wishes of the people of the occupied territory.

India's contention that, after the Simla Agreement of 1972, Pakistan could not raise the Kashmir issue in the United Nations or other international forums was patiently misplaced, he continued. The people of Jammu and Kashmir, who had waited so long for the United Nations and the world community to deliver on its pledge, had now concluded that enough was enough and they had, therefore, risen in revolt. That had induced an Indian reaction of resort to brutal suppression of the freedom movement on the one hand, and a massive campaign of disinformation on the other. He hoped that the Indian leaders would face up to their commitment and to the futility of their attempt to suppress the just aspirations of the Kashmir people. He also expected that lessons would be learned from the events that swept the globe during the past two years, and which reaffirmed that freedom-loving people could not be permanently suppressed.

FENG CUI (China) said that in the 1990s, when the world was witnessing great vicissitudes and complexity, it was of great importance to reiterate the right of peoples to self-determination. Undoubtedly, the principles contained in the Declaration on decolonization and a series of resolutions adopted by the General Assembly and the Commission over the years still had practical significance and would continue to serve as an important legal basis for

countries to oppose foreign armed aggression, occupation and interference, safeguard independence, sovereignty and territorial integrity, and defend their economic, social and cultural rights. No country, especially big Powers, should impose its ideology, values and mode of development on other countries, nor should it use any excuse to invade, dismember or annex other countries' territories.

Over the past year, she continued, encouraging progress had been made on some issues which the Commission had all along followed. After Namibia won its independence, peace had been realized in southern Africa and the situation there had eased further. The Afghan question had achieved a political settlement and Kuwait was freed from outside occupation. The South African people had also won a victory in their efforts to combat racist rule.

With regard to Cambodia, the Peace Accord was a hard-won victory, but difficulties might emerge in the process of implementation. However, the general trend of history was irreversible. China hoped that all the signatory countries to that Accord, especially the four Cambodian parties, would adopt a sincere and responsible attitude and fulfil their obligations. As for the Middle East issue, the key lay in the Palestinian question. The Middle East question should be solved politically on the basis of the relevant United Nations resolutions, especially Security Council resolutions 242 and 338. The occupied Arab territories should be returned and the legitimate national rights and interests of the Palestinian people restored. Meanwhile, sovereignty and security of all the Middle East countries should be respected and guaranteed.

VANIAS MARKIDES (Cyprus) said that the anti-colonialist struggle waged by dependent and oppressed peoples under alien domination or foreign occupation in order to gain their freedom and independence gave to self-determination a new, dynamic content and interpretation. It also connected that right with the democratic principle of majority rule. Recent events in Europe and elsewhere constituted a triumph both for internal as well as external self-determination. Self-determination did not create artificial walls of division but caused their demolition.

History both past and recent, he continued, knew of attempts to distort the real meaning and content of the right to self-determination. There were cases where ethnic, religious or linguistic or other minorities within the internationally recognized frontiers of an independent and sovereign State were invoking "the right to self-determination" in order to establish their own separate entity or "State", with a view to seceding from that state. That was not only against international law but also overwhelmingly accepted as politically unwise.

ABDUL NASIER (Indonesia) said there was a total disregard of legal norms and procedures at every level in the occupied Arab territories, resulting in the violation of the most fundamental international legal standards and norms of justice. The expansionist policies of Israel were rapidly bringing the occupied territories to a point of no return and inevitably made the return of those lands practically and politically impossible. Moreover, arbitrary

detentions, curfews, illegal demolition of houses, collective punishment, ill-treatment and practices of torture as well as severe limitations of freedom and liberty were the hallmarks of the Israeli authorities' attempts at consolidating their illegal presence.

Since the collusion of hostilities in the Gulf region last year, he said the plight of the Palestinians had been compounded by the crippled economy in the occupied territories. Arab lands had been appropriated in an arbitrary fashion through direct seizure or restrictions which had resulted in more than 50 per cent of Arab lands coming directly under Israeli control. Those actions were accompanied by a highly discriminatory economic policy.

The administration of justice had also directly contributed to the massive violation of human rights, he said. Two different systems of justice were applied for Arabs and Jews, with the latter being treated with relative leniency for similar offences. There were no open courts and those arrested and arraigned were only informed of the charges, but not of the evidence to be used against them, thus making a mockery of justice. And in clear violation of the Fourth Geneva Convention, there had been a noticeable increase in the number of expulsions and deportations.

In short, as the report of the Special Committee on Israeli Practices had concluded, the human rights situation of those people had deteriorated to such an extent that that population was now reaching a state of mere survival. In view of the gravity of the situation, he said it was a matter of urgency that the United Nations machinery be used effectively to end the festering conflict, thus restoring the basic human rights and fundamental freedoms that the Palestinian people had long been deprived of.

MOHAMED LEMINE (Mauritania) said that the findings and data of recent United Nations reports on the sufferings of the Palestinian people in the occupied Arab territories, including Palestine, were unspeakable and terrifying. Israel persistently defied the Geneva Conventions as evidenced in its unbridled settlement policies carried out in the occupied Arab territories. That policy, along with other policies of brutal repression, occupation and deportation were further proof of Israel's total disregard for the will of the international community.

Even after four years of intifadah the Palestinian people would fight on. He called on the world community to ensure that the drive towards world peace which was occurring today included a settlement for the Palestinian people. How long, he asked, could the world tolerate Israel's flagrant disregard for its will?

J. KENNETH BLACKWELL (United States) said the principle of self-determination was more accepted today than at any time during that century. Since the Commission last met, not only could one welcome numerous nations to the ranks of the free, but one also could take satisfaction that an unprovoked attempt to impose foreign rule, the most blatant denial of self-determination, had been defeated with strong support from this organization. Democracy was an essential condition for the true realization

of any people's right to self-determination, he said. Dictatorships, whether of the right or the left, and totalitarian regimes of any kind were simply incompatible with the true meaning of self-determination.

In Europe, Africa and Latin America, he said, the message was the same: they wanted to be free. In Europe last year, there had been a number of examples of peoples' exercising their right to self-determination peacefully and successfully, such as in the Baltic States and in the newly independent States of the former Soviet Union. But there had been a few instances where conflict had occurred, especially in areas where there were competing claims by rival ethnic groups. In those more complicated situations, dialogue was essential to ensure that disputes were resolved in a peaceful and constructive way and that all people's rights were protected.

The United States would continue to take an active role in helping to resolve difficult situations, for that was the path most consistent with the tradition. Mr. Blackwell added that in the case of those nations that continued to buck the trend of democracy -- among them Cuba, North Korea and Burma -- it was the solemn obligation of this body to expose their human rights violations and to shine the spotlight of world public opinion on the abuses.

JAINABA JOHM (Gambia) said that since the end of the forty-seventh session of the Commission, there had been a sea change in the Middle East, in the form of the Madrid Conference, which had brought together age-old enemies to discuss peace in the region. Gambia was very optimistic and hopeful that peace would prevail, even as it realized that the process was a delicate one in which the parties concerned needed all the encouragement they could get. In those negotiations, two things must prevail: the security and recognition of Israel and the creation of a legitimate government of Palestine, with room to enjoy all the basic human rights.

Regarding self-determination, she said that Gambia, once a colony and now a democratic nation, welcomed steps towards more representative institutions and processes all over the world. If history had taught the world anything, it was that the will of a people could not be killed.

ABDULLAH M. AL-FARSY, observer for Oman, said that Israeli violations of the human rights of the Palestinian population in the occupied Arab territories had brought forth a great number of resolutions from many forums over the years which had all been flagrantly ignored by Israel. The recent expulsion of Palestinians by Israel was but the latest example of Israel's continuing disregard of the principles and rules of the international community and the new world order. Peace could only be achieved in the Middle East by respect for human rights. He welcomed the current trend towards the uprooting of apartheid in South Africa and said that Moslems had a natural affinity for human rights, which was to be found in the teachings of the religion of Islam.

ABDELHAMID SEMICH, observer for Algeria, said that in spite of recent changes in the international climate, the situation in the occupied

territories had not ceased to deteriorate. That was a serious challenge, which the international community needed to meet in order to reach a just and comprehensive settlement to the Middle East question. Israel persisted in violating the most basic human rights of the Palestinian people. Some Israeli settlers had been authorized to fire on Arab "suspects". Those and other practices of the Israeli authorities recalled certain historical notions. The uprooting of the Palestinians from their homeland, in violation of the Fourth Geneva Convention, had become common.

In view of that generalized deterioration of the human rights situation in the occupied Arab territories and of the refusal of the occupier to abide by its obligations, the international community could no longer be satisfied with a simple condemnation of Israel. Adequate pressure must be brought to bear on Israel so that it might adopt an attitude of legality and put an end to the occupation. The international community must assume its responsibility in that regard. Algeria restated its firm conviction that a settlement of the Middle East question must include the creation of an independent Palestine state.

MONA RISHMAWI, of the International Commission of Jurists, called on the Commission to adopt the draft resolution prepared by the subcommission which called for an advisory opinion of the International Court of Justice on the legal consequences for States arising from Israeli settlements in the occupied territories. The need to respect principles of international law could only enhance peace and stability in that troubled region. As peace negotiations proceeded, the human rights situation in the territories occupied by Israel since 1967 continued to deteriorate. Efforts in the present peace talks to cease settlement building had been fruitless. While States continued to assert their opposition to the settlement policy, those words were not being translated into deeds. The United States loan guarantees sought by Israel and the Israeli Trade Protocols with the European Community were two examples.

The consequence of the illegality of the settlements had to be explicitly stated, not only with regard to Israel, but also to third-party States. The Commission on Human Rights had both the opportunity and the duty to make clear its operational commitment to international law.

KATHY BERTEN, of the Women's International League for Peace and Freedom, stated that new measures imposed in December had inhibited the movement of most of the Palestinian population of the West Bank and Gaza after 5 p.m. That had been compounded by increasing harassment of both Palestinian institutions and international bodies. The Palestine Human Rights Information Center, which documented human rights violations in the West Bank and Gaza Strip, reported that since the intifadah began, more than 1,000 Palestinians had been killed by the Israeli occupying forces.

Meanwhile, the number of administrative detentions had steadily decreased in 1991; however, the majority of those currently remaining in prison had served multiple sentences under harsh conditions in the Naqab desert. More than 14,000 Palestinians were currently held in Israeli military detention centres and in Israeli civilian-administered prisons. Physical abuse of

detainees was routine, and use of electric shock torture during interrogations in a Hebron prison had been documented.

Regarding house demolitions and sealings, she added that under Israeli military law, the house of a person suspected of a military offence could be destroyed. More than 140 houses had been blown up or sealed and 1,500 made homeless under that provision in 1991, bringing the total during the intifadah to 2,059. The League had also documented the confiscation of more than 347,798 dunams of land. During the Gulf war, while all Palestinians in the West Bank and Gaza were under blanket curfew, land confiscation occurred at an unprecedented rate.

ALESSANDRA AULA, of the International League for the Rights and Liberation of Peoples, welcomed the convening of the International Peace Conference at Madrid but said there were still grounds for scepticism and worry over the situation in the occupied Arab territories. One worry was the fact that the United Nations had not yet become associated with the peace process. Israel's expulsion policy of Palestinians flew in the face of various Security Council resolutions and settlement practices had actually speeded up during the first nine months of 1991 -- the same time that preparations were being made for the international peace conference. Israel would doubtless claim, later in the peace process, that those settlements were impossible to remove.

Rights of Reply

LAKSHMIRI PURI (India) said she deeply regretted that the Pakistani delegation had used this forum to level baseless allegations at India. The United Nations had long accepted that the right of self-determination did not apply to parts of sovereign States. India hoped that Pakistan would not be disturbing the delicate balance in the area in pursuit of short-term objectives. Jammu and Kashmir were an integral part of the Indian Union. The people of Jammu and Kashmir had repeatedly participated in free and fair elections and returned their legitimate Government to power.

The same could not be said of the part of Kashmir occupied by Pakistan, indeed of Pakistan itself, she said. Pakistan had launched armed interference into the affairs of India from Pakistan-occupied Kashmir. By aiding and abetting terrorism, was Pakistan protecting the human rights of the people of Jammu and Kashmir? Neutral sources had testified to the training of terrorists by Pakistan in the part of Kashmir it occupied.

ZHU XIAO MING (China) recalled that some speakers had referred to "the rights of the Tibetan people" and their alleged rights to self-determination. Tibet was and always had been an integral part of China, and the Tibetan people came to enjoy their human rights only after the birth of the People's Republic -- as was true of the rest of the Chinese people. China hoped that the self-proclaimed human rights watchers of Tibet would listen to the real representatives of Tibet. Separatist attempts to remove Tibet from China would meet with resistance from China and from the Tibetan people.

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HALUC ILICAK, observer of Turkey, said that the Latin American Federation of Relatives of Disappeared Persons had alleged that the Turkish Government perpetrated abuses against the Kurds. All citizens of Turkey were equal before the law. Turkish citizens of Kurdish origin spoke their own language, and today had three newspapers. Members of the Party of the Kurdish People had recently been elected to the country's legislature. The leader of the Kurds in Iraq had recently said that if that country were democratic, like Turkey, the need for liberation would not arise. Terrorists had killed hundreds of innocent people. He wondered whether it was possible for a democratic State to negotiate with terrorists. Turkey would continue to use all the means at its disposal to implement the provisions of the Paris Accord.

AHMAD KAMAL (Pakistan) said that India had levelled baseless allegations against Pakistan's involvement in Jammu and Kashmir. The Kashmir struggle for self-determination was indigenous and the Indian allegations were the result of the Indian Army's failure to contain the events in Jammu and Kashmir. Many independant observers could support the fact that Pakistan was not involved in Kashmir. He said Indian attempts to annex Kashmir were futile.

MOHAMMED ALDOURI (Iraq), referring to the reference to Iraq by the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, said a State could feel guilty and try to correct its history, particularly a country like Britain, with its colonial past. Britain had colonized Iraq earlier in this century, usurping the country's wealth and spreading fear and terror among its population. Since liberation, Britain had waged a campaign of vengeance against the Iraqi people. Britain refused to lift the economic blockade of Iraq despite the disappearance of the factor which had led to its imposition. Britain was also responsible for the suffering of the Palestinian people and one must not forget the situation in Northern Ireland. Iraq was trying to respect human rights and democracy and cooperated with the United Nations.

LAKSHMIRI PURI (India) reiterated that the right to self-determination did not apply to integral parts of sovereign, independent States. Concerning Pakistan's involvement in aiding and abetting terrorism in Kashmir, she said she had names of people who would testify that terrorist acts were being backed by Pakistan. Pakistan should look to its own situation as far as minority rights were concerned.

MOHAMMAD KHAN (Pakistan), exercising a second right of reply, said that recognition of the right to self-determination of the people of Kashmir were documented. The violent actions of the Indian military were also well-documented. The judgement of Indian action in Kashmir would be handed down by the people of Kashmir themselves. That was evident in their rebellion. It was India which was trying to back down on its commitment to democracy.

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Press Release

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HUMAN RIGHTS COMMISSION CONTINUES TO EXAMINE VIOLATIONS IN OCCUPIED ARAB TERRITORIES, SELF-DETERMINATION

GENEVA, 30 January (UN Information Service) -- Members of the Commission on Human Rights this afternoon called on Israel to abide by its obligations under the 1949 Geneva Convention and relevant United Nations resolutions concerning the occupied Arab territories. The calls came as the Commission continued to examine the question of human rights violations in the occupied Arab territories, including Palestine. Speakers encouraged the Commission to promote the peace process which began in Madrid last year.

Also this afternoon, the Commission continued its debate on realization of the right to self-determination, touching upon the situations in South Africa, Western Sahara and Cambodia.

Taking part in the debate were the representatives of Canada, Russian Federation, Brazil, Latvia, Pakistan, Bangladesh, Cuba, Libya, Hungary, Austria, Japan, Indonesia, Algeria, Sri Lanka and Argentina. The observer for the International Federation of Human Rights and the Danielle Mitterrand Foundation France Libertes, a non-governmental organization, also spoke.

Speaking in exercise of the right of reply were the representatives of the United Kingdom, Yugoslavia and the Democratic People's Republic of Korea.

Statements

FREDERIQUE CALANDRA, observer for the International Federation of Human Rights and the Danielle Mitterrand Foundation France Libertes, recalled that the Commission had at its last session affirmed that the Western Sahara question was one of decolonization. The peace plan negotiated under the auspices of the Secretary-General was the result of an accord between the two parties in the conflict, namely, Morocco and the Polisario Front. They had agreed that the organization and supervision of the referendum to determine the facts of the territory were the sole responsibility of the United Nations.

But what had become of the peace plan five months after the cease-fire between the two parties? she asked. Violations of the cease-fire had been observed; the United Nations Mission for the Referendum in Western Sahara

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(MINURSO) contingent had not been fully deployed; the Special Representative of the Secretary-General for Western Sahara had not been able to establish himself in the field; United Nations supplies were being held in Moroccan ports and airports; and obstacles had been placed before the Identification Commission. In fact, 40,000 Moroccans had been moved to Western Sahara to inflate the electoral rolls. The Commission should: reiterate its support for the peace plan; reiterate its call to Morocco and the Polisario Front to demonstrate the goodwill and cooperation necessary to the success of the peace plan; express its concern regarding all changes that could jeopardize the plan; insist that MINURSO be given the means necessary to achieve its aims; and follow the evolution of the situation and examine it at the forty-ninth session.

ANNE PARK (Canada) said a new realism was taking root in a region devastated by 40 years of conflict. A peace process, constructed with tenacity although still in its fragile early stages, was under way. The Moscow multilateral talks had seen the creation of working groups to consider practical ways of improving the lives of people in the region. Of particular relevance to the discussions was the creation of a refugee working group, which Canada would host. She hoped to see the people of the Middle East -- Israelis and Palestinians in particular -- establish for themselves a new regional order. The principles applicable to the resolution of the Arab-Israeli conflict, and to the Israeli-Palestinian conflict in particular, were still those of Security Council resolution 242 (1967), with its balance of obligations for each party involved.

Canada signalled its full support for those who on both sides were striving to promote the legal and moral rule of law as essential to political cohabitation, she said. A prerequisite of progress was compliance with the Geneva Convention's prohibition, in the absence of a concluded peace, against measures designed to effect permanent changes in the territories in question. The challenge in this forum this year should be to reflect fully the new spirit of realism and compromise that prevailed in the international arena.

SERGUEY KOVALIOV (Russian Federation) said cooperation in the humanitarian field should aim at the practical implementation of human rights principles. In that regard, the exercise of the right of self-determination held a special place. That right could not be considered apart from other fundamental rights and freedoms. Respect for the rights of minorities was a priority. Self-determination of nations was a lengthy and complicated process of attaining self-awareness. The people of Russia had embarked on that process. In the past, in Russia, total subjugation of the individual had been practised. The existence of individual human rights was considered a ploy of bourgeois propaganda. The heritage had left its traces, and the road to democracy in Russia would be long.

But Russia would not turn back, he said. Condemnation of human rights violations by the international community and the activities of non-governmental organizations had promoted the implementation of democratic ideals in Russia. Despite economic problems, the Russian Legislature had been

able to enact measures to protect human rights, including abolition of the death penalty, alternatives to military service and compensation for human rights violations.

However, there was also a danger of authoritarianism and the tendency to disregard human rights in pursuing economic goals, he said. Russia was concerned over the fate of Russians in the other republics of the former Soviet Union. As to the situation in the occupied Arab territories, the years of confrontation and conflict had left its mark on all the parties. The human rights situation in that region continued to be a source of concern. There could be no justification for acts of terror, deportation by Israel or illegal settlements. The Commission should promote the peace efforts currently under way.

CELSO AMORIM (Brazil) highlighted the complex relationship that existed between self-determination and protection of the human rights of minorities. That was a problem for which no simple answer would be found. Self-determination was a continuing process; the very notion of independence implied duration in time. Brazil was opposed to all forms of usurpation of, or interference with, the will of the people, be they of foreign or domestic origin.

While Brazil had followed the most recent efforts to achieve a negotiated solution to the Arab-Israeli problem, in particular the process under way since the Madrid conference, it could not ignore the repeated allegations of human rights abuses in the occupied territories, including the problem of deportation of Palestinians, he said. Brazil believed that it would be appropriate for this Commission to express its concern over the lingering situation in the occupied territories.

INTS CALITIS, observer for Latvia, said that in the recent past Latvia had lost its independence, had been occupied by both Nazi and Soviet troops and had been virtually annexed by the Soviet Union. For 50 years, the Latvian people had lost their right to self-determination. However, now the Latvian Parliament had ratified United Nations Conventions and was carefully monitoring the human rights situation both at home and abroad.

Between 1939 and 1950, he said, Latvia had lost more than 31 per cent of its population as a result of the former Soviet Union's colonialist policy. Having experienced genocide, Latvia supported the rights of all peoples to self-determination. However, Latvia was being hindered by the destabilizing factor of the large-scale presence of the troops of the former Soviet Union. He appealed to the international community to call for the immediate withdrawal of those troops.

MOHAMMAD YOUNIS KHAN (Pakistan) said the proud people of Afghanistan, after a heroic struggle, had succeeded in freeing their homeland from foreign occupation. But, unfortunately, the country remained in the grip of a continuing armed conflict. It was therefore incumbent upon the international community to make all possible efforts to achieve peace in Afghanistan. The sharply declining international humanitarian assistance for the more than 3 million Afghan refugees was a matter of deep concern to Pakistan. It was

the responsibility of the international community to extend all possible humanitarian assistance to those refugees.

The denial of the inalienable right to self-determination to the people of Palestine was a continuing tragedy, he went on. Pakistan strongly condemned the atrocities perpetrated by the Israeli authorities in their attempt to suppress the intifadah. Pakistan also condemned the illegal Israeli policy of establishing settlements and changing the demographic character of the occupied territories in defiance of United Nations resolutions and international law. He welcomed the United States-sponsored Middle East peace process.

Pakistan, he said, was heartened to note the positive changes that had taken place in South Africa. But in spite of the positive developments, the people of South Africa continued to be denied their fundamental rights to equality and self-rule. International pressure against South Africa should be maintained until there was concrete evidence of irreversible progress in that country for dismantling the structure of apartheid. Pakistan was confident that the efforts of the five permanent members of the Security Council on Cambodia, together with those of countries of the Association of South-East Asian Nations (ASEAN), would prove fruitful in resolving that issue on the basis of the free exercise of the will of the Cambodian people.

MUFLEH R. OSMANY (Bangladesh) said that continued violations of human rights in the occupied territories, including detention without trial, collective punishments, mass reprisals, illegal deportations, illegal expropriation of land and property, imposition of unrelenting curfews and excessive use of force on the civilian population could not be conducive to peace. The peace process begun in Madrid last year, under the auspices of Washington and Moscow, deserved to be supported and continued. While he appreciated the wisdom and sense of realism of all parties directly associated with the peace process, he counselled special care against being deluded by any attempt to gloss over the deteriorating human rights situation in the occupied territories.

In addition, the right to self-determination of the peoples of South Africa and Afghanistan remained violated by forces inimical to fundamental human rights and basic freedoms, he said. Developments in South Africa were too slow and the right to self-determination of the majority of the people was still being denied. The Commission needed to continue efforts to help the Afghan people to realize their right to its self-determination.

RAUL ROA KOURI (Cuba) said that national independence and free determination, the safeguarding of national sovereignty and opposition to foreign interference and control were prerequisites for the full enjoyment of the human rights and fundamental freedoms of peoples. Conditions in today's politically and militarily unipolar world had given rise to a new phenomenon: the attempt to improve, on a global scale, a single political and social model. The countries of the North, refusing all other options, demanded with growing intransigence the adoption of a multiparty system along with a neo-liberal market economy. Cuba rejected their proposition. Cuba -- which saw its right to self-determination curtailed in 1898 by United States

military intervention and which recovered it in 1959 by defeating the United States-backed Batista tyranny -- today was building and perfecting its socialist and participatory democracy.

In the Latin American region, he went on, the situation of Puerto Rico, whose people had been denied its right to self-determination, was a source of deep concern. The recovery of the territory occupied by the United States naval base at Guantanamo was a permanent claim of Cuba. Regarding Palestine, there would be no lasting peace in the Middle East until Israel withdrew from the occupied territories and the rights of the Palestinian people were restored, including the right to establish an independent state.

With respect to Western Sahara, Cuba firmly supported the efforts of the Secretary-General and the work of MINURSO, he said. Cuba hailed the political settlements reached in Afghanistan and the negotiations regarding Cambodia. Despite the encouraging developments in South Africa, it was necessary to intensify international efforts towards the total elimination of apartheid. With regard to mercenary activities which the report of the Special Rapporteur said endangered the sovereignty of developing countries, he said Cuba had been the victim of mercenary attacks financed by the Government of the United States.

SAID HAFIANA (Libya) said any discussion of human rights violations in the occupied Arab territories, including Palestine, had to be considered in light of the many unimplemented Security Council resolutions concerning those violations. Israeli military occupation had resulted in murder, the blowing up of houses, attempts to destroy the identity of the Palestinian people, torture, deportation, incarceration, detention and other practices reminiscent of the Nazis. Those policies threatened peace in the region.

Israel should withdraw from all the territories it occupied, and the international community should implement measures, such as sanctions, to force Israel to cease ignoring its wishes. Israel was not above international law. He asked whether the Security Council was an international instrument of double standards -- one, cruel and harsh for Arabs, while the other, generous for Israel. He regretted that Council resolutions concerning Israel's human rights violations lacked force because of the veto option of one Council member who was disposed to its use.

ENDRE LONTAI (Hungary) said his Government considered the protection of human rights as one of its most important priorities. It was convinced that respect for human rights could not be classified as the internal affairs of States. The rights of the populations of the occupied Arab territories had been violated for a long time, including the right to self-determination of the Palestinian people. The occupying authorities flagrantly violated their international obligations, in particular those imposed by the Fourth Geneva Convention.

However, in human rights matters, the Hungarian Government sought to be objective, he said. Violence had to be condemned regardless of its source. As an example, he cited the attack in Budapest on a bus carrying Russian Jewish immigrants. Hungary considered settlements in the occupied Arab

territories to be illegal, but recognized and, if necessary, facilitated the right to emigrate, and condemned terrorist acts aimed at impeding it.

FELIX ERMACORA (Austria) said that while it was clearly established that the right to self-determination was a universal concept, there was no clear definition of the term "people", that is, of the beneficiary of that right. In the process of decolonization, the creation of a new sovereign state had been the predominant mode of implementing that right. Self-determination meant, on the one hand, the right of the people of an existing state to choose freely its own political system. On the other hand, self-determination could be realized only when the state had a government which represented the whole people of the country and when all peoples and ethnic groups effectively enjoyed human rights and fundamental freedoms.

He went on to say that a crucial aspect of the right to self-determination was to establish the precise will of the people concerned and one way to do that was by holding plebiscites or general elections. Austria believed that the United Nations and other international organizations should play an important role such activities.

TETSUO ITO (Japan) said the world was witnessing the first move towards a truly comprehensive peace in the Middle East. In that complex situation, Japan greatly appreciated the initiative and continuous efforts of the United States Government. In order to achieve the ultimate goal of a just, lasting and comprehensive peace in the Middle East, Security Council resolutions 242 (1967) and 338 (1973) should be fully respected. Efforts towards a peaceful settlement of the question of Palestine must be based upon three basic principles: Israel's withdrawal of its armed forces from all territories occupied since 1967; recognition of the Palestinian people's right to self-determination; and recognition of Israel's right to exist.

He said the Government of Japan, while maintaining close consultations with all parties concerned, was contributing to the peace-building efforts. This unprecedented opportunity for peace had to be supported by goodwill by all the parties concerned. Israel, as the occupying Power, had to bear the responsibility for protecting the civilian population in the occupied territories. In that connection, Japan had expressed grave concern over the decision by the Government of Israel to deport Palestinians from the West Bank and the Gaza Strip.

Japan also urged Israel to rescind its illegal settlement practices in the territories. Concerned with the welfare of the people in the occupied territories, he said Japan's contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) totalled $210 million since 1953. Japan hoped that the peace process that began in Madrid would be pursued until the common goal -- an early and peaceful solution of the question of Palestine -- was achieved.

HASSAN WIRAJUDA (Indonesia) said it was worth remembering that this year marked the 500th anniversary of the colonization and subjugation of peoples in the name of law and morality. It was possible to see how close the issue of self-determination was to crimes against humanity, such as racism and

slavery. In the debate on the issue of self-determination, there was a tendency to confuse the right to self-determination with the right of self-determination.

By virtue of the right to self-determination, all peoples had the right of self-determination in order to choose their own government and to pursue their economic, social and cultural development. The right to self-determination was considered a part of peremptory norms (jus cogen) under which any treaty agreement between States with the purpose of maintaining the status quo of colonialism were null and void. It was clear that right was granted to peoples and not to a group of the population.

ABDELHAMID SEMICHI, observer for Algeria, said that, unfortunately, the task assigned to the United Nations to ensure the emancipation of peoples had not yet been accomplished, since instances of the denial of the exercise of national sovereignty could still be witnessed. Such was the case of the Palestinian people, whose national rights Israel refused to acknowledge. Last year, the Commission had asked the Secretary-General to keep it abreast of the measures taken by Israel to implement the provisions of its resolution 1991/6. Israel had not responded to the Secretary-General's request, which was yet another example of its attitude towards the United Nations.

In South Africa, he continued, there was no indication that the emancipation of the black majority was imminent. Of course, in light of the commitment of the Government, it would be hard not to be hopeful. One of the most dramatic issues connected to the right to self-determination concerned the situation of the Western Saharan people. Algeria wished to see the process involving the referendum on self-determination, initiated through the efforts of the Secretary-General, come to fruition without impediment. Until that occurred, Algeria would reiterate its support for the rapid organization of a referendum that could allow the Saharan people to express their wishes in total freedom.

WARNASENA RASAPUTRAM (Sri Lanka) said that although there had been few issues to which the United Nations had attached greater importance, documents before the Commission continued to give ample evidence that the legitimate rights of the people in Palestine continued to be denied.

The intifadah was a firm expression of the rejection by Palestine of the Israeli occupation. Meanwhile, flouting world opinion, Israel continued to further its occupation by establishing new settlements and expanding existing ones. The situation had been exacerbated by the settling of thousands of immigrants in the Israeli occupied territories.

He urged the Israeli authorities to abide by the Fourth Geneva Convention and also reaffirmed the importance of Security Council resolutions 242 (1967) and 338 (1973) as a basis for a peaceful settlement. While he welcomed the first moves towards a comprehensive solution to the Middle East problem, he urged the international community not to turn its attention away from the unsatisfactory situation in the occupied territories.

CESAR MOYORAL (Argentina) said his country had joined the struggle for the defence of human rights in all their indivisibility. The item being considered today contained a new element, namely, that a significant number of Arab leaders had begun a direct dialogue with Israel. However, no one could forget the continued violation of human rights in the occupied Arab territories or Israel's failure to comply with the 1949 Geneva Convention. The new settlements, of people coming from other regions and with different customs, did not contribute to the solution of the conflict. And, as expressed by the Security Council, the expulsion of Palestinian citizens aggravated the problem. Resolution of the conflict had to be based on resolutions 242 and 338. The peace conference which opened in Madrid last year represented an historical opportunity that the members of the Commission should not let pass. In Argentina, Arabs and Jews had lived together since the beginning of this century without any enmity. Argentina hoped it was also possible in the Middle East.

Speaking on the right to self-determination, he said the international community had to encourage the current process in South Africa. Argentina hailed the efforts undertaken concerning Cambodia, and wished to encourage the process of decolonization in Western Sahara. The report by Special Rapporteur Enrique Bernales Ballesteros on the use of mercenaries was "invaluable".

Rights of Reply

MICHAEL RAVEN (United Kingdom) said that this morning the Iraqi representative had responded to criticism levelled by the United Kingdom Minister by abusing the critics and ignoring the criticisms. The appalling human rights situation in Iraq spoke for itself.

MIRJANA RADIC (Yugoslavia) said the representative of Austria had stated that Croatia and Slovenia had seceded from Yugoslavia in accordance with the Constitution's provisions on self-determination. However, the right of self-determination contained in the Constitution was considered to have been exercised. The secession of those republics had been unilateral acts in flagrant violation of the law. Self-determination was not a privilege of the republics or their governments, but of the peoples living in those republics. As for the situation in Bosnia-Herzegovina, the Muslim and Serbian peoples of that republic had expressed their desire to remain part of the Yugoslav Federation.

PAK BOK HON (Democratic People's Republic of Korea) said the United States had occupied part of the Korean peninsula, as a result of which 10 million families had been divided. The United States had massacred people and divided the Korean nation. The United States style of democracy and freedom was characterized by unemployment, drug abuse and murder. The United States tried to act as a human rights judge in the Commission and tried to use human rights for dirty politics.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/300
3 February 1992

HUMAN RIGHTS COMMISSION TAKES UP QUESTION OF VIOLATIONS IN SOUTH AFRICA

Concludes Debate on Violations in Occupied Arab Territories

GENEVA, 31 January (UN Information Service) -- The Commission on Human Rights this morning took up the question of human rights violations in South Africa and the implementation of the Programme of Action for the Second Decade for Action to Combat Racism and Racial Discrimination. It also concluded general debate on human rights violations in the occupied Arab territories and on realization of the right to self-determination.

Before the Commission was the interim report of an ad hoc working group of experts, which commended the positive change that had taken place in South Africa since 1990. The working group stated, however, that there was still an entire codex of discriminatory laws which had to be abolished. Also before the Commission was a report by Special Rapporteur Ahmad Khalifa concerning the adverse consequences for the enjoyment of human rights of assistance to South Africa. That report concluded that overall, the sanctions adopted, particularly by South Africa's major trading partners, were far from satisfactory. Their impact had been greatly reduced by the failure to restrict imports of strategic minerals and by the channels that remained open for technology transfer and credit.

Taking part in this morning's proceedings were the representatives of Democratic People's Republic of Korea, Morocco, Sudan, United Arab Emirates, Sweden, Turkey, Syria and Peru.

Representatives of the World Confederation of Labour, the International League for the Rights and Liberation of Peoples, American Association of Jurists, World Muslim Congress, International Educational Development and International Indian Treaty Council, Movement against Racism and for Friendship among Peoples and Amnesty International, also spoke.

The representatives of Morocco, Yugoslavia and India exercised their right of reply.

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For information media--not an official record

Question of Human Rights Violations in Southern Africa

The Human Rights Commission, at its forty-seventh session, requested the ad hoc working group of experts on Southern Africa to continue to examine the situation regarding human rights violations in South Africa including, in particular, reports of torture, ill-treatment, deaths of detainees and infringements of trade union rights. It also requested the group to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa.

The ad hoc group's interim report (document E/CN.4/1992/8) concluded, among other things, that the most blatant expression of the lack of respect for life had emerged from the worsening situation as regards the violence which initially started in Natal. The right to life, said the report, was endangered by the activities of death squads, vigilantes and right-wing groups. While the group commended the positive changes which had taken place in South Africa since 1990, it was stated that there still was an entire codex of discriminatory laws to be abolished.

With regard to the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the regime in South Africa, an updated report by the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities, contained a list of banks, transnational corporations and other organizations assisting that regime.

Also before the Commission was draft resolution I Section A of the report of the Subcommission, by which the Commission would request the Special Rapporteur to continue to update the list of organizations. In addition, it would call upon all Governments and organizations to maintain sanctions against the South African regime until the apartheid system was totally dismantled.

Second Decade to Combat Racism, Racial Discrimination

At its forty-seventh session, the Commission requested the Secretary-General to continue to inform it of the measures taken to ensure that the necessary resources were included in the programme budget for 1992-1993 to provide for the activities of the Second Decade to Combat Racism and Racial Discrimination. It also requested him to keep the Commission informed of progress made in carrying out the plan of activities for 1992-1993. The Secretary-General's report is before the Commission.

The Secretary-General was also requested to organize a workshop of representatives of national institutions and organizations promoting tolerance and combating racial discrimination with a view to exchanging information. The workshop took place in Paris from 7 to 9 October 1991. The report of the workshop is also before the Commission.

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As part of the activities of the second half of the Decade, a meeting of experts was held at Nuuk, Greenland, from 24 to 28 September 1991. The report of that meeting, which reviewed the experience of countries in the operation of schemes of internal self-government of indigenous populations, is before the Commission.

Other background documentation includes the annual reports on racial discrimination submitted by the International Labour Organization and by the United Nations Educational, Scientific and Cultural Organization.

Statements on Occupied Territories, Self-Determination

Among this morning's speakers, RI TCHEUL, observer for the Democratic People's Republic of Korea, said that the right to self-determination was being threatened by foreign domination in some parts of the world. However, the independence of Namibia and developments regarding Cambodia and other countries illustrated the spectacular progress made by some peoples in the area of self-determination. He hoped the international community would step up its efforts to help the Palestinian people attain their goal of self-determination. This session of the Commission might be useful for promoting direct contacts between Israel and Palestine.

He went on to say that the Korean nation was not currently enjoying the right to self-determination. The presence of American troops in South Korea for the past 47 years was an obstacle to the exercise of that right. Why did the United States not withdraw its forces from South Korea, he asked, while it loudly called for the withdrawal of foreign troops from other places? Only negotiations based on mutual respect would resolve the problem. The United States should contribute to Korean reunification by withdrawing its forces. In the post-cold-war world, no country had the right to trample on the freedoms of others.

MOUSTAPHA JEBARI, observer for Morocco, said that, at a time when the United Nations had recovered much of its vigour, there was no longer any justification for certain resolutions to remain just ink on paper. All initiatives for peace in the Middle East had met with Israel's rejection. Under pressure from international public opinion, all parties concerned had agreed on the holding a peace conference. However, Israel had not contributed to creating a positive climate for negotiations. Israel had been adopting delaying tactics that struck at the heart of the negotiations. In order to support the procedures under way, Morocco had hosted the fourteenth meeting of the Committee on Jerusalem, chaired by King Hassan II. The Committee had rejected any attempts to exclude Jerusalem from the scope of the negotiations.

Regarding South Africa, he went on, there were reports that gave reason to hope. The dialogue now opened provided evidence that all parties had the will to change. As far as the situation in Angola was concerned, it was gratifying to learn of the accord reached by the Government and its opposition. Meanwhile, information received from Cambodia indicated that the cease-fire there had been violated. That would make more difficult the implementation of the Paris Agreement.

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MOHAMED A. ELKARIB, observer for Sudan, said the human rights situation of Palestinian and other Arab peoples in the occupied Arab territories, including Jerusalem, was deplorable. As United Nations reports showed, the Israeli army opened fire indiscriminately, the Israeli Government clung to an expulsion policy in the face of the international community's condemnation and the Israeli authorities perpetrated many other human rights violations. The international community should begin to take its responsibilities more seriously. He looked forward to a just and lasting conclusion of the peace process begun in Madrid.

ABDER RIDA ABDULLAH, observer for the United Arab Emirates, said reports from different United Nations bodies on the situation in the occupied Arab territories contained horrifying accounts of human rights violations. The Israeli occupation authorities continued to deny the population of the territories all civil, political, economic, social and cultural rights. The unarmed Palestinian people had through their uprising expressed their wish to exercise their right to self-determination. Despite the détente between East and West and the peace conference started in Madrid, the situation remained unchanged because of the obstacles imposed by Israel. Settlements and annexations, as well as the Israeli refusal to withdraw from Lebanon, had aggravated the situation.

The new international order, he went on, of which the first manifestation in the region had been the liberation of Kuwait, could allow all States to live in peace and security. But if that order was to be effective, Israel had to be compelled to abide by United Nations resolutions.

HENRIK AMNEUS (Sweden), said his country strongly deplored not only violations of human rights on the part of the Israeli authorities, but also acts of violence committed by groups and individuals. The shooting at demonstrators, the many incidents of horrible terrorist attacks and the killings underlined the urgent need to find a basis for regional peace. Sweden welcomed the recent Israeli ratifications of the two Covenants on Human Rights, and the Conventions against Torture, on the Rights of the Child and on the Elimination of All Forms of Discrimination against Women. It expected Israel to live up to those international commitments when it came to the Palestinians in the occupied territories.

The Israeli settlement policy violated the Geneva Convention and increased tension in an already volatile situation, he said. To further extend settlements during an ongoing peace process was not conducive to finding solutions to the conflict, and the practice of administrative detention without any independent judicial examination was unacceptable. Israel continued to employ measures of collective punishment clearly transgressing the Geneva Convention. It was especially disturbing that children had been deprived of their schooling, either because of the curfews or simply through schools being closed. He hoped that, despite all difficulties, the ongoing peace process would lead to an agreement. He called

upon the Israeli Government to show the world its genuine wish for peace by fully respecting the human rights of the Palestinian people.

FERHAN ERKMENOGLU (Turkey) commended the efforts of the United States, in close cooperation with the Russian Federation, to convene the Madrid Middle East peace conference where, for the first time, the parties to the conflict had gathered around the negotiation table. The most realistic evaluation of the conference would be to see its success in the determination of the parties to continue to discuss their problems at a bilateral level despite all their differences. All the parties should exercise restraint and moderation during the peace process in order to reach an early settlement. Israel should accept the de jure applicability of the Fourth Geneva Convention to the occupied territories and abide by its provisions in conformity with Security Council resolutions. It should also stop establishing new settlements in order to create an atmosphere conducive to the present peace process.

The right to self-determination was a prerequisite for the enjoyment of human rights, he said. However, self-determination was a right which belonged to peoples but not to minorities within a nation. In States established by two politically equal communities or peoples having the status of corporate political bodies, each of these communities was entitled to determine its own future by exercising its rights to self-determination, he said, regardless of its numerical size.

BEATRICE FAUCHERE, observer for the World Confederation of Labour, said the situation of the Palestinians in the occupied territories was far from improving. They were kept in enclaves too small to contain them all, while the Israeli Government accelerated the building of settlements. The implantation of settler colonies in the occupied Arab territories meant the seizure of land, the diversion of water and the imposition of arbitrary and discriminatory measures. A recent International Labour Organisation (ILO) report emphasized that the policies and priorities in the territories were imposed by the Israeli public authorities with the assistance of the army. Further, a study published by the weekly magazine Haïr, in August 1991, showed that the number of Palestinians from the West Bank and Gaza working in Tel Aviv had dropped from 30,000 to 8,000. The military administration no longer issued Israeli entry permits.

Attacking Palestinian property had become a common practice, she continued. Information gathered clearly showed that summary arrests, administrative detention, search of trade union premises, confiscations and harassment of trade union leaders continued unabated. Under the pretext of safeguarding security and public order, the legitimate activities of unions were curtailed. In addition, in the West Bank settlement of Ariel, Arab workers were forced to wear a badge to distinguish them from the other workers. That was strangely reminiscent of Nazi practices.

VERENA GRAF, observer for the International League for the Rights and Liberation of People, said that the rights that Serbia had requested for the Serbs in Croatia had been refused to the Albanian minority in Kosovo. The rights of the Albanian minority in Yugoslavia, who numbered 3 million, had to

be considered. Concerning Western Sahara, the free, United Nations-backed referendum that had been scheduled to begin in January 1992 had not taken place because of several serious events. The number of displaced persons was estimated at 40,000. Moroccan forces watched people closely. Recently, there had been a new wave of arrests. The Sahraoui people were being denied their right to self-determination. The existing log-jam preventing the referendum had to be removed by the wise and prompt action of the international community.

Regarding East Timor, she said Indonesia had always presented its annexation as an act of progress. However, its "politics of charm" had become tarnished following last November's massacre of East Timorese at the Santa-Cruz cemetery. Nothing would be the same again in East Timor. The people of East Timor must freely exercise the right to self-determination.

A. TEITELBAUM, observer for the American Association of Jurists, said it was regrettable that the Commission would devote 45 hours to issues of civil and political rights, while items on economic, social and cultural rights would only benefit from four hours of consideration. The massacre of 12 November 1991 in Dili, East Timor, directly concerned the United Nations and the Commission, since the Special Rapporteur on Torture had been there at the time, but had not reacted. The Association deeply deplored the attitude adopted by the Special Rapporteur, which gravely affected the credibility of the United Nations in the eyes of the public and gave rise to serious questions about the effectiveness of the Organization in human rights matters.

Regarding the situation in Western Sahara, he said the United Nations had committed itself to supervise a referendum, but Morocco had placed all sorts of obstacles before the United Nations Mission in the field. Furthermore, that Government was ignoring agreements reached as part of the Peace Plan. The United Nations could not run the risk of seeing its image deteriorate by abetting with its presence a fraudulent referendum. The Commission should warn the Government of Morocco to stop impeding the United Nations Mission and to respect the Peace Plan.

ABDUL HAKIM TABIBI, observer for the World Muslim Congress, said that those who suffered the most because of violations of human rights and of the right to self-determination were the Muslim people, whether in Afghanistan, Kashmir, Palestine, Burma, the Middle East, Somalia or Eastern and Western Europe. There was not a single day when the Organization did not hear of massacres of Muslims. While many organizations were working for the protection of animals and the environment, the human lives being destroyed daily did not evoke similar concern. Men, women and children were dying from hunger, thirst, disease, lack of medicine and shelter.

What was happening in Afghanistan, Kashmir and the Holy Land was a direct denial of the rights of the Muslim people of those areas, he said. The world should fulfil its responsibility not just to adopt declarations and resolutions, but to secure respect for the rights of mankind to justice, dignity and self-determination. The problem of Afghanistan could be solved by following up the unanimously adopted United Nations resolution within the framework of the Five-Point Plan of the Secretary-General. The quest of

Palestine could be solved by implementation of the 1947 Partition Resolution and Security Council resolution 242 (1967), and the Kashmir problem could be solved not by force but only through accommodation and self-determination of the people of Kashmir.

ANTON PONRAJAH, observer for International Educational Development, Inc., stated that, regardless of the high esteem that the international community had afforded the right to self-determination in international instruments, the same international community had been reluctant to apply the principle or had applied it in a biased way. Some claimed that self-determination threatened territorial integrity, and the question of how to define "peoples" was another problem for the international community. The Tamil population of the northern and eastern parts of the island of Ceylon clearly met the definition of "peoples" set out under international standards. It appeared that the Government of Sri Lanka intended to continue to pursue a military victory over the Tamil people and their armed forces, and to go against the wise counsel of United States President Woodrow Wilson who had stated that self-determination was an imperative principle of action which statesmen would henceforth ignore at their peril.

ANTONIO GONZALES, observer for the Indian Treaty Council, said that genocidal terrorism had occurred 500 years ago when Columbus crossed the ocean. Columbus had made Hitler look like a juvenile delinquent. The activities of the 1993 United Nations Year of Indigenous Peoples should include a conference on indigenous peoples and self-determination.

JEAN-JACQUES KIRKYACHARIAN, observer for the Movement against Racism and for Friendship among Peoples, associated himself with what had been said by the International League for the Rights and Liberation of Peoples. The question of East Timor had been on the agenda of the Security Council for the last 16 years. For all that time, Indonesia had continued its repressive policies. There was a shocking difference between the treatment given to the situation in East Timor and to that of Kuwait.

ROSA ESTHER SILVA Y SILVA (Peru) said she was pleased by the positive changes in South Africa since 1990 under the Government of President de Klerk, who had recently opened a new Parliamentary session by reaffirming his commitment to establishing a democracy accessible to all South Africans regardless of colour.

However, she said, apartheid was not fully abolished. Peru trusted that President de Klerk and the African National Congress of South Africa (ANC), along with the support of the South African people and the international community, would succeed in achieving that goal. She congratulated the ad hoc working group for its interim report and hoped the South African Government would provide it with every available facility to verify in situ the progress achieved in the eradication of apartheid.

MARIETTE GRANGE, observer for Amnesty International, said South Africa had appeared to end 1991 on a hopeful note when the Government had committed itself to a Declaration of Intent on a non-racial, democratic South Africa.

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However, in dramatic contrast to the more hopeful developments were the widespread reports of extrajudicial executions, attempted assassinations, torture and deaths in custody, the palpably high level of fear among township residents in the face of that violence and an apparently indifferent police force.

Although much of the political violence appeared to result from conflict between the ANC and Chief Buthelezi's Inkatha Freedom Party (IFP), she said, Amnesty International was concerned that members of the police and military had been directly responsible for some of the killings or at the very least, indirectly responsible by colluding with the IFP. There was overwhelming evidence that the policy of security force bias towards Inkatha and against the ANC and allied organizations had resulted in killings and other human rights violations. Unless the Government took steps to demonstrate publicly that all members of the security forces who were involved in torture and other human rights violations would be brought to justice, the current climate of fear, frustration and high loss of life would continue.

Situation in South Africa, Anti-Racism Decade

JAN MARTENSON, Under-Secretary-General for Human Rights, said that one of the most important milestones on the road to prevention of discrimination had been the inclusion in the Charter of provisions relating to the promotion of human rights and fundamental freedoms for all without distinction to race, sex, language or religion.

The most extreme and dangerous form of racial discrimination devised by man was apartheid, he said. The United Nations and the international community had brought increasing pressure to bear on apartheid from the very beginning. In 1968, the human rights aspects of apartheid had come under close scrutiny, with the setting up by the Commission on Human Rights of the ad hoc working group of experts on southern Africa. During the early 1970s, information available to United Nations human rights bodies showed that careful review was needed of assistance from outside South Africa which made the continuation of apartheid possible. Thus, in 1973, the Subcommission had found it necessary to evaluate the adverse consequences for the enjoyment of human rights of assistance to the colonial and racist regime of South Africa.

In the early 1970s, he continued, the international community had decided to mobilize wide-ranging efforts of Governments, United Nations bodies and organs and non-governmental organizations against racism and racial discrimination all over the world. Thus, the period 1973-1983 was declared the United Nations Decade for Action to Combat Racism and Racial Discrimination and the period 1983-1993 was proclaimed the Second Decade. One of the essential aims of the Decades, one to which he attached the highest importance, had been the elimination of apartheid.

As the Second Decade drew to a close, he said, there was increasing awareness of new expressions of racism, be they against migrant workers, refugees and asylum seekers, minorities, indigenous populations or groups like gypsies. He had expressed particular concern at the alarming rise of

anti-Semitism and the increase in violence against individuals and groups based on racial motivations. There was a need to find effective ways of dealing, on the national and international levels, with the new forms of racism; the proposed third decade could be a vehicle for new initiatives. He suggested that, in addressing the problem, two essential steps had to be taken at the national level in the fight against discrimination. First, the law had to make discrimination illegal and the law had to be enforced. Second, efforts had to be made to ensure equal opportunities for all in society.

Another important element, he went on, as underlined by Asbjorn Eide in his study on the achievements of the Decade, was the taking of measures to redress inequalities resulting from past discrimination. A national ombudsman against discrimination should be set up where appropriate. Finally, and in order to underline and reinforce the moral unacceptability of racism and racial discrimination, there could be a solemn undertaking by national leaders and institutions from all areas of society.

Introducing the report of the ad hoc working group of experts on southern Africa, FELIX ERMACORA (Austria) said the changes introduced by the Government of South Africa during 1991 had been carefully noted. The working group was encouraged by the abolition of the Lands Acts, the Group Areas Act and the Population Registration Act, but was concerned about the situation in so-called "homelands". More than 350 people had been detained during the Emergency in Ciskei and were released only when the state of emergency was lifted on 17 November 1991. He reported that the whole process of the return of exiles was well under way. It was envisaged that the exercise would involve up to 40,000 exiles. From its inception, the ad hoc working group had requested the Government of South Africa to authorize a visit to that country. The group hoped that, in keeping with the recent initiatives adopted in South Africa, a visit to South Africa would be made possible during the course of 1992.

Right of Reply

EL GHALI BENHIMA (Morocco) said that the comments by France-Liberté on Western Sahara were naive, intellectually lazy and an act of ill will. This was a non-governmental organization whose only aim was to mislead. Morocco was responsible for policing and clean-up operations in Western Sahara, although it refrained from carrying them out. However, there were armed bandits in the area and Morocco had to act. Any obstacles to the peace process in Western Sahara could not be attributed to Morocco.

MIRJANA RADIC (Yugoslavia) said there was no justification for speaking of the Albanian minority under the question of the right of peoples to self-determination. That right belonged to peoples, and the Albanian people lived in Albania. The territories referred to by the International League for the Rights and Liberation of Peoples were the cradle of Serbian civilization. Any member of the Albanian minority enjoyed all the rights available to Serbians and to members of other minorities.

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ANTONIO GONZALES (India) said that a non-governmental organization had referred to Kashmir, an Indian state. Even though there was a situation fraught with terrorism, a vibrant Indian Constitution protected all its inhabitants. All the activities of the Indian Army in Jammu and Kashmir were directed at protection of the right to life.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/301
4 February 1992

PRIME MINISTER OF SOMALIA ADDRESSES COMMISSION ON HUMAN RIGHTS

Commission Continues Examining Racial Concerns

GENEVA, 31 January (UN Information Service) -- Somalia's foremost priorities today were peace and stability, which were a prelude to both economic recovery and implementation of the new political agenda, Prime Minister Omer Arteh Ghalib of Somalia told the Commission on Human Rights this afternoon.

He said history had shown that ousted dictators often left behind an environment of destruction and fear. This was the context in which world leaders must understand the present tragedy of Somalia. It was by no means a simple case of clan warfare.

Participating in the Commission's continuing debate on human rights violations in South Africa, racism and racial discrimination were the representative of Ghana and representatives of the Pan Africanist Congress of Azania (PAC), International Confederation of Free Trade Unions, World Confederation of Labour, International Federation of Human Rights and the Movement against Racism and for Friendship between Peoples.

The delegate of Spain spoke in exercise of the right of reply.

Address by Somali Prime Minister

OMER ARTEH GHALIB, Prime Minister of Somalia, said that the world was faced with the uphill task of building a new world order. But as in similar situations in the past, such an order was being engineered by the victorious and not the vanquished. The strong were once again setting the rules of the game. For more than 21 years, Somalia had grappled with an overly oppressive regime characterized by, among other things, fear, persecution, detention without trial, torture, kangaroo courts and summary executions.

The past year had been an unusually eventful one in Somalia. Siyad Barre's dictatorship had collapsed in January in the wake of a popular uprising. In that process, however, the dictator had unleashed a great deal

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For information media--not an official record

of devastation. Somalis had resorted to traditional mechanisms to bring about national reconciliation and these efforts had culminated in the successful July 1991 Conference in neighbouring Djibouti where foundations had been laid for the present interim Government.

Somalia's foremost priority today was peace and stability, which was a prelude to both economic recovery and implementation of the new political agenda. None the less, peace and order continued to be elusive. History, he added, had shown that ousted dictators often left behind an environment of destruction and fear. That was the context in which world leaders had to understand the present tragedy of Somalia. It was by no means a simple case of clan warfare. The recent statements of the Secretary-General on the peace-making role of the United Nations and the present priorities of his office gave Somalia a great deal of optimism.

Before concluding, the Prime Minister thanked a number of institutions and people for their concerted efforts for his release from detention and on behalf of Somalia. Those included the alumni of St. Paul's College, the Inter-Parliamentary Union, the Arab Lawyers Union, the Merseyside Heswal Group, Amnesty International, Africa Watch and members of the United States Congress. He also paid tribute to the "freedom fighters" in South Africa. Now that the world had put the cold war behind it, the Security Council appeared better placed than ever to break new ground and institute an effective mechanism which would enable the United Nations to play a preventive role in various crisis situations.

Discussion

KOJO AMOO-GOTTFRIED (Ghana) said the Commission had since 1990 witnessed a number of positive changes in South Africa. He had learnt with satisfaction that since the last meeting of the Commission, and following the expression of concern in the relevant resolution on the situation of human rights in South Africa, that the notorious section 29 of the Internal Security Act had been amended. Those changes would not have been initiated but for the leading role of the Commission. However, according to the report of the Ad Hoc Working Group, there were still a number of apartheid laws on the statute books of South Africa. It was therefore necessary that one continued to exert pressure on that Government for their immediate repeal. There had been an alarming increase in informal repression by vigilantes, hit-squads and some elements of the South African security forces.

The role of the international community in exerting even more pressure on the South African Government in creating the conditions that would lead to the realization of a democratic and multi-racial society was most crucial. He hoped that the South African authorities would, in future, demonstrate their willingness to cooperate with the Commission by authorizing the visit of the Working Group to that country to enable it to ascertain the facts and to report on progress made in the abolition of apartheid.

MOTSOKO E.M. PHEKO, observer for the Pan Africanist Congress of Azania (PAC), said that despite its genocide of the indigenous African people, the South African colonialist regime had managed, through a highly sophisticated

campaign of deception, to create a climate of euphoria and false hope that it was dismantling apartheid. The regime had, for instance, tinkered with apartheid laws, such as the repeal of the Land Act of 1913. But the regime still kept 87 per cent of the country's total land area for 13 per cent of the white privileged minority population. In 1991, he said, the regime had murdered over 5,475 Africans -- 15 people per day -- in the so-called black-on-black violence. This was, in fact, "white-on-black" violence carried out through Buffalo Battalion 32 and mercenaries. Furthermore, despite the memorandum of understanding between the South African regime and the United Nations High Commissioner for Refugees, thousands of exiles still found it difficult to return to their own country. The regime had rejected PAC's demand for general amnesty. PAC members in exile were granted a so-called indemnity to attend their Congress and a pre-Constituent Assembly meeting.

The well-orchestrated campaign of deception by the South Africa regime and its friends had resulted in the premature lifting of sanctions and the involvement of some members of the international community in exercises that legitimized the apartheid regime. On the opening day of the Commission's current session, he went on, the Secretary-General of PAC had been arrested by the Pretoria regime.

On 6 January, fresh evidence had been published by the Weekly Mail in South Africa that President F.W. de Klerk was still secretly funding black groups to commit genocide and derail the genuine liberation. As the PAC President had said, PAC would maintain all forms of struggle until a democratically elected Constituent Assembly was charged with creating a constitution for a free Azania.

GUY RYDER, of the International Confederation of Free Trade Unions (ICFTU), said that developments over the past year confirmed ICFU's view that the international community had to maintain concerted pressure on the minority Government of South Africa to proceed rapidly and unequivocally to a fully democratic and non-racial society. The persistent widespread political violence, of which trade unionists had been particular targets, had called into question the commitment of the authorities to a peaceful path to the post-apartheid era.

In such circumstances, it could not be reasonably maintained that irreversible change had taken place that would guarantee the final abolition of apartheid. The ICFTU continued to call for the application of comprehensive economic sanctions against South Africa as the most effective means to the international community for exerting pressure for positive change. South African trade unions had been strongly critical of the Government's failure to honour its commitment to move expeditiously to the removal of major legislative abuses. He said that police intervention and mass dismissals continued to be an all too common response to labour action in South Africa itself, and clearly demonstrated the need to establish further legal protection for legitimate trade union activity.

BEATRICE FAUCHERE, of the World Conference of Labour, said her organization would not relax its efforts until apartheid was fully abolished. Blacks in South Africa still did not enjoy political rights. Many laws were

still applied differently to blacks and whites. De jure apartheid would be replaced by social and economic apartheid. Six million people, or 42 per cent of the active population, could not find jobs. The repeal of the so-called pillars of apartheid did not make any difference in the lives of most blacks. "Black-on-black" violence was the result of the long-standing policy of segregation.

Trade union activities were impeded by the police and by paramilitary groups, she added. The World Conference paid tribute to the workers of South Africa and their organizations which struggled for democracy and equality. It called for the freeing of political prisoners and for the return of all exiles and deplored the fact that the sanctions and divestment agreed upon by the international community had not only not been applied by many, but had been ignored outright. The mandate of the Ad Hoc Working Group should be renewed. Sanctions had also to be maintained.

CHRISTIAN GROSSE, of the International Federation of Human Rights, called once again for an end to racism and racial discrimination in Europe, stressing that gypsies, in particular, were still victims of discriminatory treatment. The speaker detailed racially motivated incidents which had occurred in Germany last year against houses owned by foreigners. Physical assault, arson, murder and attempted murder at the rate of nine assaults per day worried his organization and had led it to call for greater support in its campaign against those phenomena. He remarked upon the international community's lack of interest in the United Nations Second Decade to Combat Racism. If that apathy continued, what would be the point of a third decade? Vigilance and energetic measures against nascent situations of racial discrimination, racism and xenophobia were required.

JEAN-JACQUES KIRKYACHARIAN, of the Movement against Racism and for Friendship among Peoples, said that the phenomenon of racism today was of a social and economic nature, linked to such factors as immigration and refugees. Racism today was also characterized by the notion of invasion. Major campaigns should be carried out to elucidate certain terms. Economic and social phenomena leading to social pathologies called for a major political effort from all. As the former Secretary-General had said, if something was not done about the North-South imbalance the world would face a major tragedy. Let the Second Decade for Action to Combat Racism and Racial Discrimination end with less racism in the world, he concluded.

Right of Reply

JULIAN PALACIOS (Spain) said that at the morning session, the Indian Treaty Council had given its own view of history. Spain felt proud of its historical achievements and felt it futile in the twentieth century to apologize for past ambitious men who were merely exhibiting the values and norms of their day. Spain was respectful of all minorities. The non-governmental organization's complaints had nothing to do with today's Spain. Five hundred years later, Spain had made its peace with any inappropriate actions which might have been committed at that time.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/302
4 February 1992

HUMAN RIGHTS COMMISSION CONTINUES TO EXAMINE SOUTH AFRICAN SITUATION, EFFORTS TO COMBAT RACISM AND RACIAL DISCRIMINATION

Hears Calls for Action Against Racism, Xenophobia, Religious Intolerance

GENEVA, 3 February (UN Information Service) -- A group of more than 30 non-governmental organizations called on the Commission on Human Rights this morning to take effective action against the resurgence of racism, xenophobia and religious intolerance lest it degenerate into the worst excesses since the Second World War.

The call came as the Commission, entering the second week of its forty-eighth session, continued to examine the situation in South Africa and the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

Speaking this morning were the representatives of the United States, Portugal (on behalf of the European Community and its member States), Mexico, France, Egypt and Gambia.

Representatives of the International Indian Treaty Council and of the International Commission of Jurists, speaking on behalf of a group of 31 non-governmental organizations, also took the floor.

Statements

Among this morning's speakers, KENNETH BLACKWELL (United States) said that during the last year the situation in South Africa had changed dramatically. Preliminary talks between President de Klerk's Government, the African National Congress of South Africa (ANC) and other organizations had begun with the goal of reaching agreement on a non-racial constitution for the country. It was clear that there was now no turning back. South Africa had begun an irreversible journey not only to a new form of society, but to a new relationship among its people.

(more)

For information media--not an official record

The United States supported those negotiations and stood ready to assist the parties involved in any way it could, he stated. However, removing institutionalized racism would not by itself lead to a new age of brotherhood. Blacks continued to suffer from the socio-economic effects of years of legalized discrimination and isolation. And as the negotiations continued, international encouragement for the process would become more important than ever. He proposed a consensus resolution to "nudge the negotiations forward" toward the final goal -- a democratic, non-racial South Africa. The Commission should be consistent with the General Assembly in encouraging negotiations to help build the new South Africa.

GONCALO DE SANTA-CLARA GOMES (Portugal), speaking on behalf of the European Community and its member States, said they welcomed the recent evolution in South Africa, and specifically the holding of the first plenary session of the Convention on a Democratic South Africa on 20 and 21 December 1991. The Twelve were further encouraged by the agreement on a joint declaration of intent which committed the parties to upholding human rights. Bearing in mind the principle that respect for human rights, the rule of law and the existence of democratic political institutions were the basis for equitable development, and in order to encourage a constructive dialogue in South Africa, the Twelve had decided to ease some of their restrictive measures so as to stimulate economic growth.

The European Community, while encouraged by developments in South Africa, would continue to monitor closely the human rights situation, including the question of political prisoners, he continued. The Twelve noted in particular that the system of homelands had not yet been abolished and that the effects of long-term discrimination persisted. They hoped that concrete measures would continue to be taken to promote a national reconciliation through dialogue and the establishment of a lasting peace in South Africa.

STEPHANE HESSEL (France) said he was concerned about recent expressions of racism, xenophobia and intolerance, which were on the rise. The expression of nationalism with the aim of supporting the cultural identity of a people was respectable. However, as could be seen in recent events in Yugoslavia, nationalist extremism recalled the period between the wars and its atrocious consequences. He was optimistic about recent progress made in South Africa. And the rescission of General Assembly resolution 3379 which equated zionism with racism was also to be welcomed. The correction of that scandalous act would only bring credibility to the United Nations in the fight against racism.

The prevention of racism had to be achieved at both the international and national levels, he said. It was insufficient to merely condemn racism without giving adequate thought to its origins and remedies. A recent report by France's National Commission for Human Rights had noted among other facts, an increase of racist attacks in France, perpetrated mainly against people from the Maghreb. The French Government was taking steps to ensure the harmonious integration of these people into French society.

CLAUDE HELLER (Mexico) said it was unacceptable that, in the twilight of the twentieth century, the people of South Africa still did not fully enjoy

all human rights because of the colour of their skin. Mexico was a party to the conventions on the eradication of apartheid and all forms of racial discrimination, and it had contributed to United Nations activities within the framework of the Second Decade of Action to Combat Racism and Racial Discrimination. His country had no economic relations with South Africa, and it had backed the imposition of broad mandatory sanctions on the Pretoria regime. That would continue to be the case until the equality of all individuals before the law was recognized.

Over the last two years, he went on, a gradual process of reform had developed in South Africa. However, the report of the ad hoc working group told of a whole body of discriminatory laws still in effect, as well as of schemes to promote inter-ethnic violence. He hoped the inaugural address of President de Klerk, reaffirming his commitment to a democratic South Africa without race distinctions, would be backed up by action. Regarding the Second Decade for Action to Combat Racism and Racial Discrimination, the world was witnessing a dangerous resurgence of racism, intolerance, xenophobia and nationalism. Today, one year before the World Conference on Human Rights, it was important that all countries commit themselves to developing effective measures to deal with that problem.

MOUNIR ZAHRAN, observer for Egypt, said that, one year after President de Klerk's announcement and following other positive developments, questions remained about economic freedoms and the distribution of wealth, as well as about civil and political rights in South Africa. The agreement for the return of political exiles and the negotiations for a new constitution were to be welcomed. However, flagrant violations of human rights by the South African authorities were documented in the various reports of experts now before the Commission.

The contradictions between hope and reality meant that the international community had an urgent responsibility to draw up a plan for South Africa to encourage it to speed up progress towards the creation of a democratic society, he went on. Resolutions arising out of recent conferences and meetings held on the issue had been based on three principles: encouragement, pressure and assistance. He cautioned the international community against the lifting of sanctions, which might endanger current attempts to change the situation in South Africa rather than encourage progress.

JAINABA JOHM (Gambia) said apartheid was the most extreme crime against humanity existing in the world today. The steps taken by the Government of F.W. de Klerk were to be welcomed. But much remained to be done to totally eradicate apartheid. The international community had a responsibility to keep up the pressure on South Africa; the death sentence still existed and the statute books were far from free of racist laws. The Commission should join hands in a consensus decision on that matter.

ADAMA DIANG, observer for the International Commission of Jurists, on behalf of a group of 31 non-governmental organizations, said that since the forty-seventh session of the Commission, despite political and ideological changes in Eastern Europe, the world had been witnessing an increase in

discrimination and xenophobic violence. The reappearance of anti-semitism on a scale unprecedented in Europe since the end of the Second World War, gave rise to fears that one might yet again live through the horrors of the period between the two world wars. The dramatic confrontation between rival national groups in Yugoslavia and in certain republics of the former Soviet Union, as well as in Somalia, were also of profound concern. Nothing had been done to bring that situation to a halt.

In the past, he went on, this agenda item of the Commission had understandably concentrated on racism and racial discrimination in South Africa. However, the same characteristics of intolerance, racism and xenophobia were not confined to Europe, North America or southern Africa. Recent expressions of the same phenomenon had occurred in South-East Asia, notably in East Timor and Myanmar. The International Commission of Jurists and the non-governmental organizations on whose behalf it was speaking, called on the Commission to take effective action against those trends lest they degenerate into the worst excesses since the Second World War. The organizations also called on the Commission to request all Governments as a matter of urgent priority to implement the international human rights standards contained in all the applicable human rights instruments. Governments must proscribe racial discrimination and xenophobia. They should equally ban the creation of any political movement or association which proclaimed doctrines negating human rights.

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United Nations

Press Release

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4 February 1992

SECRETARY OF STATE FOR HUMANITARIAN ACTION OF FRANCE ADDRESSES HUMAN RIGHTS COMMISSION

Debate Continues on Questions of Racism and South Africa

GENEVA, 3 February (UN Information Service) -- Recent tragic events in the world should lead the Commission on Human Rights to think of adopting emergency response procedures, the French Secretary of State for Humanitarian Affairs, Bernard Kouchner, told the Human Rights Commission this afternoon. United Nations representatives should be able to take steps, either oral or written, or make field visits.

In addressing the Commission, Mr. Kouchner called on the international community to pursue the task it had set itself in a world where so many women, men and children were still the victims of violations of their fundamental human rights.

Also this afternoon, the Commission continued to examine the situation in South Africa and the Programme of Action for the Second Decade for Action to Combat Racism and Racial Discrimination. Many speakers, while welcoming recent progress in South Africa, noted that the reports before the Commission stated that human rights violations persisted in South Africa.

Taking part in the discussion were the representatives of Australia, Mauritania, Syria, Austria, Nigeria, Iran, China, the Russian Federation, Turkey, Brazil, Morocco and Finland.

Representatives of the International Labour Organisation and of Pax Romana, a non-governmental organization, also took part.

Statements

Mr. KOUCHNER, Secretary of State for Humanitarian Affairs of France said he was aware that the election of an Iranian Vice-Chairman as an officer of the Commission had provoked a reaction from non-governmental organizations and human rights activists. That election should be interpreted as evidence of the renewed attention that Iran intended to give to human rights.

(more)

For information media--not an official record

Having been a human rights activist for 25 years, Mr. Kouchner said, he was familiar with both the turmoil of the last three years and the world-wide movement for greater freedom. The Commission had seen the dismantling of apartheid, the peace agreement in El Salvador, the renewed dialogue in Cambodia and the hope of Middle East peace, which were achievements for human rights and democracy. The World Conference on Human Rights (1993) would provide an opportunity to consolidate these gains.

Nevertheless, he went on, one must not hastily fold one's arms. The overthrow of the legitimate authorities of Haiti, the repression against the Iraqi population, the situation of the populations of the occupied territories, the civilian massacres in Yugoslavia, the continuing combat in Somalia and the Sudan, the detention of San Su Kuy and others in Myanmar, the daily killings in Nagorno-Karabakh, and the massacre in Dili, East Timor, called out for a strengthening of protection mechanisms. There was also cause for concern over the situations in Cuba, China, Central Africa and parts of Europe.

He said the democratization process and its attendant exigencies and contradictions presented the international community with another challenge. The clash of reawakened nationalisms and religions, anti-semitism, racism and xenophobia also threatened the countries in transition. It would take tenacity and imagination to avoid those pitfalls.

He recalled that the work of the Commission had made possible the adoption of two international human rights instruments designed to protect two particularly vulnerable groups, namely, children and migrant workers. France was well aware of the problems encountered by such groups in its territory, and it continued to search for greater understanding in this area. The confusion around the issue of political and economic refugees must cease.

He said France looked forward to the first report of the Working Group on Arbitrary Detentions and commended the work of the group on disappearances. It had been sad to read of its mission to Sri Lanka, and he called for the Government of that country to follow up on the recommendations of the report.

The French Secretary of State for Humanitarian Affairs said that recent tragic events in the world should lead the Commission to think of adopting emergency response measures. United Nations representatives should be able to take steps, either oral or written, or make field visits. From now on the Commission should encourage its rapporteurs and working groups to reinforce the emergency procedures, as the Special Rapporteur on Summary or Arbitrary Executions had done when he went to Zaire after the events of Lumbumbashi. That capacity for reaction and initiative, along with the necessary cooperation of States, was the strength of the special procedures of the Commission. It was significant that those supervisory procedures were now part of United Nations peace plans in Cambodia and El Salvador.

He said the Centre for Human Rights should not be the sole actor in the promotion of human rights; United Nations institutions, particularly the financial and development agencies, also had a contribution to make.

(more)

In conclusion, he said the World Conference on Human Rights would be important as an element in the strengthening of national institutions and mechanisms for human rights protection and promotion; the recognition and consolidation of the contribution of non-governmental organizations; and the reaffirmation of the legitimate interest of the international community while human rights violations were being committed. In a world where so many women, men and children were still the victims of violations of their fundamental rights, the international community must pursue the task it had set itself.

RONALD WALKER (Australia) said his country had shared the commitment to the elimination of apartheid and had taken a determined and prominent stand, including the imposition of sanctions with its Commonwealth partners. Sanctions were not intended to bring South Africa to its knees, but to bring it to its senses -- and to the negotiating table. The challenge now was to strike a balance between maintaining effective pressure for the complete dismantling of apartheid while rewarding and encouraging positive moves in that direction.

Among the "heartening" developments in 1991 cited by Mr. Walker were the signing last September by the South African Government and the United Nations High Commissioner for Refugees (UNHCR) of an agreement to allow the repatriation of political exiles and refugees and the significant progress on the release of political prisoners, as well as the signing of the National Peace Accord which provides for independent monitoring mechanisms, a code of conduct for the security forces, and restrictions on the carrying of "traditional weapons". Australia welcomed the outcome of the first meeting of the Convention for a Democratic South Africa, which took place in Johannesburg last December. However, it should not be forgotten that the level of political violence in the townships remained unacceptably high. It was also disappointing that accusations of security force complicity in some of those incidents had not yet been resolved. But on balance, one could afford to be optimistic at last that a free post-apartheid South Africa was close to reality in 1992.

MOHAMED LEMINE (Mauritania) said that the reports before the Commission showed that South Africa was progressing but that the situation required careful monitoring. A great deal of work, especially in the area of economic apartheid, remained to be carried out. Bantustans had to be abolished and other reforms undertaken before the goals of the African National Congress of South Africa (ANC) and Pan Africanist Congress of Azania (PAC) could be realized. The Commission's resolutions should be aimed towards those ends.

SAWSAN CHAHABI (Syria) said resolutions of the General Assembly had always condemned the States that had encouraged the racist regimes in southern Africa. There were still a number of laws which constituted flagrant violations of human rights, including the right to life and the right to a fair trial. The people of South Africa still could not enjoy freedom of expression.

The practices of the South African regime were similar to those of Israel in the occupied Arab territories, he went on. In addition to other

violations, Israel continued to confiscate Arab lands and build settlements. Furthermore, there was military, industrial and nuclear cooperation between Israel and South Africa. That was in violation of human rights resolutions on South Africa. Syria called on the international community to continue to put pressure on the South Africa regime until the total abolition of the apartheid system.

WALTHER LICHEM (Austria) said he was aware that progress in South Africa had not been easy and would not be easy. In addition to the problems stemming from the past, new issues had arisen. While important progress had been achieved at the level of the political leadership, the socio-economic situation on the ground had further deteriorated. Persistent patterns of human rights violations continued to characterize the daily life of the majority of South Africans. Austria placed great hopes on the "National Peace Accord" signed last year by the South African Government, the African National Congress (ANC), the Inkatha Freedom Party and 21 other organizations. He called on all parties to the National Peace Accord to fully implement their obligations and to cooperate in good faith in order to bring the current wave of violence to a speedy end.

He noted that last December, a historically significant breakthrough had been achieved: a "Declaration of Intent", in which 16 out of 19 delegations, including the National Party Government and the ANC, had declared their solemn commitment to general principles and features of a new South Africa. Austria also welcomed the emphasis on the protection of human rights and their commitment to international human rights standards. Civil, political, economic, social and cultural human rights had to be addressed and guaranteed by an effective judicial or quasi-judicial machinery, thus creating a just, equitable and democratic society in South Africa.

The representative of Nigeria said that when F.W. de Klerk first declared his intention of commencing the process of reforming the policy of apartheid, many hailed the measures as brave, significant and encouraging. Today, the world was witness to the fact that despite whatever good intentions Mr. de Klerk had had, apartheid still existed. The documents before the Commission bore testimony to that fact. The Ad Hoc Working Group noted the recent admission by Ministers of the Government of South Africa of secret funding of the Inkatha Freedom Party in order to sustain the killings among the blacks. This should leave no one in doubt as to the actual role of the security forces in fomenting violence in South Africa. While some measures had undoubtedly been taken to "reform apartheid", there were still many hard facts that could not be ignored.

Apartheid could not be reformed, he stated; it had to be completely dismantled. Irreversible changes for the elimination of apartheid would only occur when the disenfranchised, indigenous black majority was given the vote on the basis of one person, one vote. The international community should maintain existing sanctions until evidence emerged that South Africa had embarked on the irreversible journey to democracy based on this principle.

Nigeria commended those Governments which had not only applied stricter controls over their native transnational corporations, but had also not abandoned the pressures against apartheid.

KIA TABATABAEE (Iran) said a number of delegations had taken the floor to warn the international community of the gross violations of human rights still being perpetrated by the racist regime of South Africa. Others, being more optimistic, had more or less welcomed the so-called positive steps taken by the South African regime. While one should not lose sight of the positive developments that had taken place, the important point to bear in mind was that international sanctions could not yield any effective and speedy results if they continued to be loosely implemented.

The International community had decided very rapidly to impose economic sanctions on this regime in order to bring to an end a disgraceful system, he said. Unfortunately, the objectives were far from being attained, as it was not easy for transnational corporations to sacrifice money and investments. The international community should continue to exert political and economic pressure on the South African Government. Yet it was only the will and determination of the people of South Africa and their fierce struggle to eliminate apartheid which had played the major role in forcing the regime to gradually recognize their rights.

CHEN WEIDIAN (China) said his Government welcomed the positive changes and developments in South Africa. Yet the essence and final goal of the political settlement of the South African question was to completely uproot the apartheid system and to formulate a new constitution based on racial equality. By so doing, South Africa would become a unified and democratic country where all people could equally enjoy their political, economic, cultural and social rights.

China, he continued, believed that the international community should keep up its pressure on the South African authorities and give more powerful support to the struggle of the South African people. Efforts made by people over the world throughout the years had meant that the concept that all people were completely equal without distinction as to race, colour or ethnic origin had been accepted as a fundamental human right. However, facts indicated that the international community's task of opposing racism had yet to be accomplished.

NIKOLAI KHLESTOV (Russian Federation) said that as the world neared the completion of the Second Decade for Action to Combat Racism and Racial Discrimination, there was justification for expecting tangible success in the elimination of apartheid. The efforts of the South African Government in 1991 should be welcomed. At the same time, the situation in South Africa remained serious. The Government still had a lot to do in order to make the changes irreversible. There was information to the effect that the police and the military were providing assistance to vigilante groups. The right to life was the subject of real threat. The fact that the Ad Hoc Group of Experts had not been allowed to visit South Africa was not evidence of that Government's cooperation.

The world was still far from being an ideal place, he added. Unfortunately, the forms adopted by racism, racial discrimination, nationalism and xenophobia were very varied and they affected a number of groups. In that connection, the work of the Committee on the Elimination of Racial Discrimination should be commended, in particular its drawing up of model legislation against racial discrimination. Greater universality of the international human rights instruments should be sought. In a growing number of countries, there had been evidence of violence against migrant workers, a rather recent phenomenon.

FERHAN ERKMENOGLU, observer for Turkey, welcomed the toppling of the legislative pillars of apartheid. The joint negotiating process pointed towards a new constitution. However, the United Nations reports before the Commission showed that human rights violations still occurred and a more resolute policy was required. Apartheid had to be dismantled -- totally -- by peaceful means.

MARCOS VINICIUS GAMA (Brazil) said the word "democracy" had never been so alive in international relations. In the field of human rights, the strengthening of the United Nations mechanisms and instruments was accompanied by a particular concern regarding "vulnerable groups." The Convention on the Elimination of All Forms of Racial Discrimination was the international instrument with the greatest number of ratifications. Furthermore, the International Convention on the Protection of the Rights of Migrant Workers had been adopted by the General Assembly in 1990, while a draft declaration on the rights of ethnic, linguistic and religious minorities was presently under consideration by the Commission. Its adoption would certainly enhance the promotion and protection of these group's rights.

However, he continued, there had been some major setbacks. Recent attacks against asylum seekers and immigrants in developed countries revealed the most tragic effects of intolerance and as such had to be strongly condemned by the international community. Racial discrimination was, in many instances, deeply rooted in peoples' attitudes and mentality. Brazil supported the idea of launching a third decade, to begin in 1993. If racism and racial discrimination deserved rejection per se, their institutionalized and systematic form, apartheid, deserved even stronger condemnation. The Brazilian Government took note of the important conclusions contained in the report prepared by the Ad Hoc Working Group of Experts, in particular the need for a new and truly democratic constitution, as the paramount precondition for the safeguarding of human rights in South Africa.

MOUSTAPHA JEBARI (Morocco) remarked that South Africa's recent progress and contemporary international factors pointed to the idea that the world should prepare for a post-apartheid era. This crucial time in South Africa's history would offer new challenges and would require a new vision. In the interdependent world, South Africa had to marshal all its forces to bring about stability not only for itself but for the entire African continent. At the close of the twentieth century, current international opinion did not find

extremist views compatible with reality. Negotiations and dialogue were much more the order of the day. Morocco urged a democratically elected Government which would restore confidence in the whole South African population.

HANNU HALINEN (Finland), speaking also on behalf of Denmark, Iceland, Norway, Sweden and Finland, said that, regrettably, racism existed in most countries of the world. The Nordic countries were no exception. Recent incidents of xenophobia and racism in those societies gave one cause for concern. Similar tendencies in other parts of Europe were equally worrying and merited serious attention. The Nordic countries commended the decisive steps taken in South Africa towards democracy through the convening of the Convention on a Democratic South Africa in December last year. The Nordic countries expected the Declaration of Intent adopted by the Convention to be fully implemented by all parties.

In recognition of the irrevocable changes towards a democratic South Africa, the Nordic Foreign Ministers had decided at their meeting in Reykjavik last month that it had become possible to consider the lifting of the sanctions against South Africa -- except those adopted by the Security Council. But at this crucial moment in South Africa's history, it was alarming that violence had continued to cast a shadow over the progress achieved so far. It would be tragic for all South Africans if the cycle of violence were permitted to interrupt the democratic process. The Nordic countries welcomed the agreement reached by the UNHCR with South African authorities last year concerning the voluntary repatriation of South African refugees and exiles.

After reiterating the willingness of the Nordic countries to support the efforts towards democratization and the reduction of the enormous social inequalities which the system of apartheid had inflicted upon South Africa, he said a unanimous message to the South African Government from the current session of the Commission would be most effective.

LEE SWEPSTON, of the International Labour Organisation (ILO), reported on some of the activities undertaken by the ILO to combat apartheid and racial discrimination in southern Africa. The ILO worked on the basis of the updated Declaration concerning Action against Apartheid in South Africa, adopted by the International Labour Conference in 1988. It worked in close cooperation with the appropriate bodies of the United Nations, and with regional and subregional bodies such as the Organization of African Unity (OAU), the Southern African Development Coordination Conference and the Southern African Labour Commission. Particular emphasis was given to technical cooperation in the fields of training, cooperatives and small-enterprise development, as well as to activities for women workers and their organizations.

In 1989 the Governing Body of the ILO had created the Group of Three Independent Experts to monitor and follow up on various aspects of the implementation of sanctions and other forms of action against apartheid, he recalled. The ILO had also carried on its long-standing activities in providing technical advisory services to black workers and their organizations, to employers' organizations and to Governments in southern

Africa. In May 1992, the ILO scheduled a tripartite conference in Harare to discuss the implications for the States of the region of the coming end of apartheid and to examine regional integration in the post-apartheid era.

FRANCOIS MEMBREZ, of Pax Romana, said his organization wished to make the Commission aware of the acts of racial discrimination directed at immigrants in Western Europe. While the notion of "host country" implied solidarity and sharing, political parties advocating preferential treatment for nationals were gaining influence, and their attacks against the life and housing of immigrants were multiplying. At a time when Europe prepared to open its internal borders and made efforts to harmonize its asylum policies, it would be unwise for it to turn into a fortress of comfort with immigrants camped at its gates to the South and East.

At the beginning of the Second Decade for Action to Combat Racism and Racial Discrimination, he continued, Pax Romana had set as its objective the promotion of tolerance and openness. The organization requested the Commission that subsequent reports on this implementation of the Second Decade take into account the rise of xenophobia and racism in the industrialized countries.

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United Nations

Press Release

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4 February 1992

CHAIRMAN OF SUPREME SOVIET OF BELARUS ADDRESSES HUMAN RIGHTS COMMISSION

Debate Continues on Situation in South Africa, Racial Discrimination

GENEVA, 4 February (UN Information Service) -- Stanislav S. Shushkevich, Chairman of the Supreme Soviet of Belarus, assured the Commission on Human Rights this morning that the promotion and protection of human rights would be a cornerstone of both the Commonwealth of Independent States and Belarus.

Mr. Shushkevich said that, despite the problems facing his country, there would be no return to the past. He proposed that a human rights documentation centre be set up in Minsk.

Following Mr. Shushkevich's address, the Commission resumed consideration of the human rights situation in South Africa and of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

Taking part in this morning's proceedings were the representatives of Hungary, Chile, Cyprus, Japan, Bangladesh, Yugoslavia, Australia, Denmark and Ethiopia. Nicaragua exercised its right of reply.

The following non-governmental organizations also took the floor: the International Movement for Fraternal Union Among Races and Peoples, the International Association Against Torture and the World Federation of Trade Unions.

Statement by Chairman of Belarus Supreme Soviet

In his statement, Stanislav S. Shushkevich, Chairman of the Supreme Soviet of the Republic of Belarus, said that history had reinforced the aims of the United Nations Charter. The international community had rightfully turned to the Commission to encourage and develop respect for human rights. Knowledge of human rights laws and scrupulous attention to them made human beings free. International cooperation was vital for countries in all stages of their human rights protection and promotion.

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During the Second World War II, he said, Belarus had lost one quarter of its population to repression, economic stagnation and disrespect for humankind and its rights. New political approaches resulted in a democratic and legal State. Laws to promote human rights and bring legislation into line with United Nations covenants and standards in the field of human rights were being promulgated. In the transition to a market economy, many vulnerable groups had to have their human rights protected to an even greater extent.

The consequences of the Chernobyl accident meant that extensive resources were required to cope with persistent problems, he went on. Despite various problems, there would be no return to the past, and the sources of tension would pass and give way to integration. He assured the Commission that the promotion and protection of human rights would be a cornerstone of both the Commonwealth of Independent States and Belarus.

In conclusion, Mr Shushkevich proposed that a documentation centre of the Centre on Human Rights be set up in Minsk.

Other Statements

ENDRE LONTAL (Hungary) told the Commission that his Government vigorously condemned all forms of racial discrimination, particularly apartheid. He stressed the role of non-governmental organizations, especially Amnesty International, in enhancing international awareness of the situation in South Africa. The report of the ad hoc working group of experts on southern Africa told of radical changes in that country. Those changes would not have been possible without pressure from the international community and the work of the Commission. However, the Government of South Africa was still violating human rights and political freedoms, as evidenced by the continued existence of the Bantustan system. Much also needed to be done in the field of education.

There had to be a dialogue with the South African regime, he continued. Sanctions had to be used proportionally. In some cases it was desirable to lift sanctions in order to encourage that Government. That approach would guide the Hungarian Government during the negotiations started today with President de Klerk.

ROBERTO GARRETON (Chile) said the establishment of a legal system which did not discriminate was a vital factor in the protection of human rights. A glance at various human rights instruments made that clear. Yet, racism persisted and was in fact in resurgence the world over. Means had to be found to avoid a repetition of occurrences arising out of racism comparable to what happened in Europe between the wars, a time when the South paradoxically provided a haven for immigrants from the North -- quite the opposite of today's situation. Unacceptable incidents of racial discrimination meant that the Commission's work continued to be vital. He spoke of a crisis in the judiciary in various parts of the world, with judges acquiescing in, or even acting in complicity with the State's activities. The citizen should not be regarded as an adversary of the State.

VANIAS MARKIDES (Cyprus) said he commended positive changes that had taken place in South Africa since 1990. However, while significant reforms were to be welcomed, it was a matter of concern that, in large part, the system remained in place, despite the abolition of its legal justification and the repeal of acts which were considered as the main pillars of apartheid.

Another obstacle to the genuine elimination of apartheid, he continued, was the fact that, although the state of emergency was no longer in force, the South African Minister of Law and Order was still authorized to declare "unrest areas", with virtually the same results as during the state of emergency. Hundreds of political prisoners remained in jail and the internal security forces still had broad powers. Apartheid legislation had been replaced by legislation permitting white communities to maintain the status quo, and a majority of South Africa's black population continued to live in such abject poverty that they could not avail themselves of the opportunities afforded by the repeal of the 1913 and 1936 Land Acts. Nevertheless, Cyprus welcomed the agreement to convene a convention of political parties to discuss South Africa's future.

KATSUMI SEZAKI (Japan) said he regretted that, despite the historic changes of recent years, the report of the group of experts told of a number of alleged violations of human rights. Particularly distressing was the report on the continuing violations of the human rights of children. Regarding renewal of the mandate of the expert working group, that question should be considered together with the question of whether it was allowed to visit South Africa. To renew the mandate of the group when there was no prospect of its being accepted by the South African Government, raised some doubts.

The Government of Japan, he continued, considered it its responsibility to support positive changes and to promote the reform process. Japan had provided support for the activities of the United Nations and of non-governmental organizations in South Africa. It had also contributed $3.2 million to the United Nations High Commissioner for Refugees (UNHCR) for the programme to repatriate South African refugees and exiles.

MUFLEH R. OSMANY (Bangladesh) said apartheid was a monumental disgrace to modern civilization. Recent moves towards dismantling that system should not deceive the world. The changes that had taken place in South Africa since the last meeting of the Commission had done little to fully demolish the system of discrimination based on birth and colour of skin. The historic responsabilities of the Commission were far from over. Violations of human rights in South Africa not only continued unabated, but in certain areas had become worse.

He said it was shocking to learn from the report of the group of experts that some elements in the South African security forces were even instigating and funding internecine violence and destruction among the black population.

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That must be further investigated and strongly condemned. The international community should continue all legal, economic and moral pressure on the racist régime of South Africa.

NASTE CALOVSKI (Yugoslavia) said everybody was now convinced that apartheid could not reformed, but must be abolished. It was clear that the international community should continue to insist on the total eradication of apartheid and the establishment of a free, non-racial and democratic South Africa. It was necessary to change the South African Constitution, which remained the formal basis for apartheid. A very important step towards that objective had been the convening of the Convention on a Democratic South Africa in December last year. Another positive event was the agreement reached by the UNHCR with the South African authorities last year concerning the voluntary repartriation of South African refugees and exiles.

He added that economic and social development could complement efforts to eradicate apartheid. No promotion of human rights was really possible where racial discrimination was practised or advocated even on a small scale.

QUENTIN BRYCE (Australia) said her country placed great importance on initiatives to improve the work of the Committee on the Elimination of Racial Discrimination and the other human rights treaty bodies. That was reflected in its proposals for amendments to the funding provisions for the International Committee on the Elimination of Racial Discrimination -- proposals which had attracted broad support. It was hoped that, with a better funding base, the cancellation of Committee meetings would become a thing of the past.

It was now beyond argument, she went on, that human rights were a legitimate subject of concern and discussion for the international community. Australia therefore accepted that it was completely legitimate for its own record to be open to international scrutiny. The Australian Government had acceded to the First Optional Protocol to the International Covenant on Civil and Political Rights in December 1991. Aboriginal and Torres Strait Islander Peoples in Australia had responded to Australia's accession with a degree of cynicism. However, they had acknowledged that they had, for the first time, access to an effective and impartial international forum empowered to deal with complaints.

The Australian Human Rights and Equal Opportunity Commission was an independent statutory body which had broad responsibilities for the protection of human rights in Australia, she said. The Commission's most recent initiative had been a national enquiry into racist violence. It had found, among other things, that racist violence against Aborigines and Torres Strait Islanders was endemic, nationwide and very severe. The Australian Government had responded to the enquiry by supporting almost all its recommendations. In addition, a Royal Commission investigation into aboriginal deaths in custody, had played a vital role in exposing the deprivation and alienation experienced

by many Aboriginal and Torres Strait Islander Australians. Australia would continue to work to confront its own problems and, through frank dialogue and collaboration, to support United Nations activities in that area.

JORGEN M. PEDERSEN, observer for Denmark, said the 1991 meeting in Greenland which the Government of Denmark and the Home Rule Government of Greenland had hosted under the Programme of Action for the Second Decade had been the first United Nations gathering ever to be chaired by an indigenous person. The basic relationship between indigenous people and States was being re-examined. There was a basic shift from an assimilationist approach to an approach which recognized the value of indigenous cultures and lifestyles as separate from the rest of the national society. The results of the expert meeting in Nuuk, Greenland, had been based on the view that the right of self-determination was applicable to indigenous peoples.

States had an obligation to promote that right, he said. The meeting had also based its conclusions and recommendations on the belief that promotion of self-determination for indigenous peoples within a State should not pose a threat to the integrity of that nation-State.

NEGASH KEBET, observer for Ethiopia, said his country welcomed the positive developments in South Africa. It was also encouraged by the cooperative spirit shown by the South African Government in entering into bilateral negotiations with the UNHCR with a view to allowing the return of thousands of political exiles. At the same time it strongly urged the South African Government to declare a general amnesty for returnees.

He went on to say there was still grave concern about the situation of human rights in that country. The interim report of the ad hoc working group of experts demonstrated vividly that apartheid was not yet dismantled. Another alarming situation that had seriously undermined the on-going peace process had been the outbreak of brutal and relentless violence which had affected some parts of the country, especially Johannesburg and its surrounding areas, and the so-called "black-on-black violence", which enabled secret murder squads to unleash an indiscriminate reign of terror against the entire black urban population. The failure of the Government to deal effectively with that problem seemed to confirm that the elements responsible were to be found within the country's security forces. Ethiopia did not believe that the point had been reached where it could be said that pressure on the South African Government was no longer necessary.

C.M. EYA NCHAMA, observer for the International Movement for Fraternal Union of Races and Peoples, said the ideology that had been imposed upon the black majority in South Africa in 1949 had brought about apartheid and had caused widespread suffering and death. Even though President de Klerk had abolished important laws last year, their removal remained theoretical, as no measures had been taken to implement what had been adopted. Despite various efforts, apartheid remained in place. No Government had emerged out of free and fair elections. At least 2,672 people had been killed in 1991. The collision between some elements of the police and extremist pro-apartheid

groups, to which President de Klerk seemed to have closed his eyes, was very worrying. The pressure on South Africa had to continue; without sanctions, the dismantling of apartheid would cease.

ROGER WAREHAM, observer for the International Association Against Torture, said he was there to speak of the desperate situation faced by 40,000,000 people of African descent in the United States. United States observance of human rights was a fraud. Session after session, irrefutable proof had been presented of the existence of blacks in the United States as a de facto separate nation. It was more crucial than ever to bring that perspective to the Commission.

Racism in the United States, he continued, as with its European counterparts, was providing fertile ground for developing fascist and neo-fascist movements. David Duke, a former Nazi and Grand Wizard of the Ku Kluk Klan, had conducted a racial campaign in his recent bid for the Governorship of Louisiana. Although he had lost, he had captured a majority of white votes. As the Second Decade against racism came to an end, it was necessary to focus on the role of economics and its relationship to the persistence of racism. Racism must be challenged not only as it was carried out within countries, but also as it was exercised against countries. Within the United Nations racism was practised by the United States and some European countries against nations of colour.

DANIEL RETUREAU, observer for the World Federation of Trade Unions, said his organization regretted the rush to lift sanctions and to support the racist régime of South Africa. There had been encouraging preliminary steps towards the dismantling of the institution of apartheid, but that system persisted in people's mentalities. Political and ethnic violence were the product of the divide-and-rule policy of the Government. Trade union rights must be respected and there must be no racial or political bantustanization.

Right of Reply

JULIO SABORIO, observer for Nicaragua, said that the International Indian Treaty Council, a non-governmental organization, had spoken about his Government in relation to a reported land concession to a Taiwanese concern. That had led to allegations in the news media which were just as ill-informed as the non-governmental organization. Nicaragua had made no land concessions to anyone. There had been a project for the exploitation of forests, but it had been rejected following the advice of experts. The Nicaraguan Institute for Natural Resources had issued a communiqué to dispel the false information that had been spread regarding the issue. The area referred to by the non-governmental organization had been declared a protected area by the Government in November 1991.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/305
6 February 1992

HUMAN RIGHTS COMMISSION HEARS STATEMENT BY COMMONWEALTH SECRETARY-GENERAL

GENEVA, 4 February (UN Information Service) -- In an address to the Commission on Human Rights this afternoon, the Secretary-General of the Commonwealth Secretariat, Emeka Anyaoku, said the boundaries of the world were shrinking and the information revolution knitted humankind ever closer together. But poverty divided peoples and marginalized a large section of mankind. A true culture of human rights had to embrace their needs and help fulfil their aspirations.

The Commonwealth, he added, was an integral part of the growing constituency dedicated to building a universal culture of human rights.

Following Mr. Anyaoku's address the Commission went on to conclude its discussion of the question of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. It then took up the debate on realization of economic, social and cultural rights, the right to development, the status of the international human rights Covenants and the functioning of United Nations human rights bodies. These items are to be introduced by Jan Martenson, Under-Secretary-General for Human Rights.

Taking part in this afternoon's proceedings were the representatives of Canada, India, Algeria, Cuba, Libya, Indonesia, Argentina, Zambia, Senegal, Tanzania, Sudan and Ecuador.

Statement by Commonwealth Secretary-General

EMEKA ANYAOKU, Secretary-General of the Commonwealth Secretariat, remarked that in the world today walls and barriers which had stood in the way of universal pursuit of the common aspirations of humanity had crumbled. However, in some regions, the disappearance of old ideological rigidities was being replaced by new uncertainties. The resurgence of ethnic and religious loyalties was not only threatening the cohesion of established nation States, it was also stoking the flames of a new generation of conflicts. At a meeting held in October 1991, in Harare, the Commonwealth Heads of Government had considered that it was time to take stock and to reflect on the past, he recalled. The Heads of Government wanted to re-examine the underlying principles and values on which the association had been built and to look to

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the 1990s and beyond to properly serve its citizens and respond to the challenges of the times. The Heads of Government had also pledged to work in the protection and promotion of the fundamental political values of the Commonwealth.

Mr. Anyaoku said that the boundaries of the world were shrinking. The information revolution knitted humankind ever closer together. But poverty divided peoples. It marginalized a large section of mankind -- it diminished and denied their humanity. A true culture of human rights had to embrace their needs and help fulfil their aspirations. There was a seamless web of human interdependence. That was the message that underlay the Harare Commonwealth Declaration. The advancement of human rights was fundamental to the Commonwealth and the recent Harare Summit meeting showed that the Commonwealth was an integral part of the growing constituency dedicated to building a universal culture of human rights.

Views of Delegations

ANNE PARK (Canada) said South Africa had made great strides on the road to democracy in the past year. Canada was proud to have been a major contributor to that process. Just six weeks ago the major political organizations had come together to launch negotiations on a new constitution at the Convention for a Democratic South Africa, or CODESA. But hopes for this negotiation process should not blind one to continuing human rights abuses in South Africa. Violence continued to pose a grave threat to negotiations. The fate of political prisoners was still an issue, and the recent arrest of a returning exile was a retrograde development. There was still a long way to go to advance economic and social rights in South Africa.

Since the Commission last met a year ago, she continued, there had been two major developments in the United Nations which would have a very positive impact on all programmes against racism. General Assembly resolution 46/86 adopted last fall, would enhance the credibility of United Nations anti-racism activities and encourage a number of member States to participate more actively. The second step was the recent recommendation by States parties that the Convention on the Elimination of All Forms of Racial Discrimination be amended to allow full budget funding. Overall, the need for concerted action to eliminate racism was taking on greater importance in many countries of the world, including Canada.

By the year 2000, she said, visible minorities and aboriginal peoples would likely form 13 per cent of the Canadian population. More than two thirds of immigrants to Canada now came from Latin America, Asia, the Caribbean and Africa. The United Nations Programme of Action for the Second Decade provided a solid framework for Canada's early work in this area.

DEBASHISH CHAKRAVARTI (India) said that the measures taken by the South African authorities in 1991 were to be welcomed, since they were aimed at the

statutory pillars of apartheid. However, apartheid was a complex system built up over time which divided people, inflicted cruelty on innocents and was a precursor of violence. Within South Africa itself, forces opposed to apartheid had begun a process which looked to the future to explore the constitutional shape of a non-racial, democratic and undivided South Africa based on multi-party elections, regular elections, an independent judiciary, the supremacy of the constitution and a separation of the executive, the legislature and the judiciary.

He affirmed that at such a crucial time in the political process for the future of South Africa, it was necessary to strengthen unity among anti-apartheid forces. The lifting of various kinds of sanctions had come in response to progress made in dismantling apartheid. The remaining sanctions should be a means of encouraging progress towards the establishment of a democratic, non-racial Government in South Africa. India remained committed to the support of the oppressed majority in South Africa. But, while apartheid was on the retreat in South Africa, an attempt was being made in Fiji to institutionalize racism. The interim Government in Fiji had incorporated into a new constitution certain provisions which were in violation of internationally accepted principles of democracy and human rights.

ABDELHAMID SEMICHI (Algeria) said the work methods of the Ad Hoc Working Group of Experts permitted it to provide objective information on South Africa's persistent violation of the fundamental rights of the population by a minority which was assured of impunity. Even as the Pretoria Government gave reason for hope with recent measures, the opening remained insufficient.

He added that in addition to institutionalized racism there was in South Africa, an abusive exploitation of the natural resources of the country by the dominant minority, following a colonialist pattern. The report of Special Rapporteur Ahmad Khalifa, revealed that transnational corporations, far from ending their relations with South Africa had modified their activities and now enjoyed large profits. Israel's military collusion with that regime was also known. One of the aims of the United Nations Second Decade against Racism was to give priority status to measures to combat apartheid and to their application by States. In view of the recrudescence of racism and the manifestations of violence that accompanied it, should one not ask about the poor realization of the Programme of Action?

RAUL ROA KOURI (Cuba) said that the measures taken by President F.W. de Klerk to end apartheid did not yet hold to the effective elimination of that racist system. Cuba believed that the international community should continue to bring pressure to bear on the South African Government until the triumph of the majority took place.

The delegate commended the work of the Ad Hoc Group of Experts and that of Mr. Khalifa, Special Rapporteur. He said that 12,000 young people from Africa were currently studying free of charge in Cuba. The resurgence of

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racism, particularly in Europe, required the urgent attention of the Commission. Cuba continued to reject the distorted perception of human rights provided by the United States as part of its anti-Cuba campaign.

IBRAHIM ABDUL-AZIZ OMAR (Libya) said the main pillars of apartheid were still in place. There had been acts of violence with police complicity, for example. Certain elements in South Africa were trying to discourage the black population from frequenting public places, this despite the abolition of the law restricting access to such places. This situation requires that pressure continue to be applied until the pillars of apartheid were removed. At this point the removal of sanctions would have a negative impact on the reform process. It would negate the sacrifices of the black population.

He added that his delegation would like to commend United Nations efforts for the elimination of racial discrimination, the main obstacle to realization of enjoyment of human rights. In the final analysis, racial discrimination was a form of conduct that went against a people or groups of peoples. Was it not racial discrimination to allow Jews coming from anywhere in the world to come to Israel, while the Palestinians were not allowed to return to their homes? He commended the Under-Secretary-General for Human Rights for his work within the framework of the Programme of Action for the Second Decade.

PERWITORINI WIYONO (Indonesia) said that apartheid represented the most virulent and universally despised form of racism and discrimination embodying a political system and even a legal framework upon which a racial minority exploited, oppressed, and degenerated the vast majority of their fellow citizens. Indonesia supported the view of the Ad Hoc Working Group of Experts that the constitutional reform process should also consider the abolition of the bantustan system which has created economic, political and human rights problems.

It was apparent that the odious policies of apartheid had heightened tension among the communities and triggered negative reactions. She called upon the Pretoria regime urgently to redress the situation, to adopt effective measures to prevent the recurrence of these unfortunate events and to release unconditionally all political prisoners. It was an undeniable reality that apartheid continued to fester and menace the lives of the majority of its people. The mere repeal of a few laws would not suffice to alleviate the profound socio-economic injustices perpetrated by decades of segregation. The lifting of sanctions should be deferred until the course of fundamental change towards the establishment of a democratic, non-racial South Africa, based on universal suffrage, had become irreversible.

JUAN ARCHIBALDO LANUS (Argentina) said that recent changes in South Africa permitted one to be optimistic about the future of that country. However, there was also cause for concern, as apartheid had not yet been abolished. Apartheid would be finished when all citizens, black or white, could enjoy the same rights. Although it was not easy to dismantle a whole legal structure, as there were profound cultural tracts that would take time

to modify, it was time to accelerate the changes and to build a new legal system.

Argentina was of the opinion that the international community should not isolate the South African Government, but as a member of a United Nations human right. body, his Government could not neglect its duty and associated itself with those who wished to end an unjust system. As recently expressed by Nelson Mandela, there would be no peace in South Africa until the principle of majority rule was fully applied and respected.

ISAIAH CHABALA (Zambia) recalled that barely three months ago Zambia had held peaceful, democratic, free and fair elections in which the Movement for Multi-party Democracy emerged victorious with an overwhelming mandate. The new governing party truly reflected a coalition of human rights interests. Its electoral campaign was based on a human rights platform. The Zambian Government was committed to the fulfilment of its popular mandate. At the same time, Zambia needed generous and sustained assistance in order to strengthen its democracy as well as to protect and promote human rights in general.

Apartheid, he went on, was the most reprehensible form of racism constituting a gross violation of the most basic human rights. In spite of encouraging developments in South Africa, the structure of the apartheid system remained intact. The international community should, among other measures, maintain appropriate pressure upon the South African authorities until agreement was reached by the parties on transitional arrangements and on a new, non-racial democratic constitution. The South African authorities now had an opportunity to demonstrate their sincerity and credibility.

ALIOUNE SENE (Senegal) said the fight against racism and racial discrimination was multidimensional and universal, for those phenomena represented the most abject and insidious perversion of the spirit. For this reason, the delegation thanked all the press organs cited by the Ad Hoc Working Group of Experts, as the role of the media in the fight against apartheid was an essential part of the building of a new world order. The international community had to unite in order to reflect upon the resurgence of racist and xenophobia movements in the world. For those movements, apartheid was still a point of reference which comforted them in their mythical beliefs.

His delegation, he went on, welcomed with interest the draft model legislation against racial discrimination elaborated within the framework of the Programme of Action for the Second Decade. Senegal felt that coordination should be reinforced at the Secretariat level in order to support the measures taken in the field of education for the promotion of racial harmony. One must pay homage to the Centre for Human Rights for the seminars it had organized in Cairo, Moscow and Paris in 1991, despite the modest means at its disposal.

His Government, which had contributed to the creation of conditions of dialogue between white, liberal South Africans and representatives of the

black majority, was gratified to see that spirit of reconciliation demonstrated by President de Klerk and Nelson Mandela yesterday at the World Economic Forum meeting in Davos, Switzerland.

AUGUSTINE PHILIP MAHIGA (Tanzania), Observer for Tanzania, welcomed the abolition of key pieces of South African legislation but said it had not covered the array of discriminatory laws which still remained on the books. Neither had it changed the behaviour and attitudes of people socialized and imbued with racism. The level of violence in the townships had increased, claiming over 3,000 lives in the past 15 months. There was growing evidence that the security forces were involved in fomenting the violence and supporting hit squads and vigilante groups. The latest pronouncement by President de Klerk at the opening of the South Africa Parliament, that the CODESA process could be subject to a white veto, smacked of a sinister agenda to stall the process or to derail it. The international community should act to maintain a concerted response to facilitate a peaceful transition to a non-racial democratic South Africa.

AHMED GUBARTALLA, observer for Sudan, said that international attention focused on South Africa had given much courage to the black majority. He voiced concern over certain countries whose moral commitment to sanctions was wavering. These sanctions had been successful and should be maintained until structural change had been implemented to enable the black majority to enjoy their full social, cultural, political and economic rights. He called for a speedy return of all exiles to South Africa and stressed the need for the total eradication of apartheid.

Economic, Social and Cultural Questions

Introducing the questions of economic, social and cultural rights and the right to development, JAN MARTENSON, Under-Secretary-General for Human Rights, said the existence of a broad range of basic human rights and their interdependence and interrelated nature was self evident to the founders of the Organization. Already in 1941 the "four freedoms" -- freedom of speech, freedom of worship, freedom from want and freedom from fear -- had been proclaimed as the objectives of the allies, a commitment which had been repeated in the Atlantic Charter of 1941 and the 1942 Declaration on the United Nations. The United Nations Charter itself set the Organization's goal as promoting "better standards of life in larger freedom".

In today's world the mutually reinforcing nature of all human rights had become even more evident, he went on. The Secretary-General had stated in December that "if there is no development without democracy, there can also be no democracy without development". Social justice and the enjoyment of all human rights required effective action on the national level. But, that action could not be carried out in isolation from the general world context. Thus, the drafters of the Universal Declaration had reflected that fact in article 28 which read: "everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized".

Regarding the right to development, Mr. Martenson said there was a renewal of the thinking and debate around this subject, which made clear the interdependence of all the issues confronting the world today, whether socio-economic, environmental, humanitarian or cultural. The notion of human development, recently defined by the United Nations Development Programme (UNDP) as a process that expanded the possibilities available to individuals, served increasingly as a reference.

Status of Human Rights Covenants

He said that during the past year, the number of accessions to and ratifications of the first Optional Protocol of the International Covenant on Civil and Political Rights had considerably increased, going up from 51 to 61 States parties. In addition, six countries had recently ratified the Second Optional Protocol, which was aimed at the abolition of the death penalty.

As for the Committee on Economic, Social and Cultural Rights, Mr. MARTENSON told the Commission that Committee on Economic, Social and Cultural Rights had, at its last session examined 10 reports, bringing the total to 66 reports from 49 States parties.

Functioning of Treaty Bodies

He noted that new human rights treaty body -- the Committee on the Rights of the Child -- had held its first session in 1991 taking its place alongside its other treaty bodies already established under United Nations human rights instruments.

The Centre had sought, during 1991, to continue its efforts aimed at strengthening the effective functioning of the treaty body system and at assisting States parties to the various instruments in complying with their reporting obligations.

He informed the Commission that, Member States were being invited to contribute to the one-time costs associated with the installation of the computerized system and database.

He said the financial problems that the Committee on the Elimination of Racial Discrimination had had to face in recent years might soon satisfactorily solved due to a number of steps taken within the past several months.

EDUARDO SANTOS, Observer for Ecuador, said that poverty continued to exist all over the world. Violence was the food of many. Literacy, the eradication of ignorance, civil and political rights were undermined at every turn. The world was far from the United Nations' goals of fraternity and common purpose. The challenge was to improve the quality of life. An increase in per capita income was only part of the solution. Economic and social rights were as important as political and civil rights. Moreover, the right to development was a crucial part of the international community's common responsibility.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/306
6 February 1992

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, COVENANTS AND TREATY BODIES

GENEVA, 5 February (UN Information Service) -- The Commission on Human Rights this morning continued discussing economic, social and cultural rights and the status of the human rights Covenants. The functioning of human rights treaty bodies was also examined.

A number of speakers focused on the effect of structural adjustment policies and programmes on the realization of economic, social and cultural rights. A report before the Commission concludes that there is little evidence to show that structural adjustment measures have actually been successful in achieving their aims. In the report, the Special Rapporteur on the subject, Danilo Türk, noted that more than 70 Governments had adopted such measures although most of studies favoured other strategies.

Statements this morning were made by Bulgaria, Burundi, Australia, China, United States, Colombia and Sao Tomé and Principe.

Representatives of the following non-governmental organizations also spoke: Centre Europe-Tiers Monde, International Movement ATD Fourth World, World Organization against Torture, Commission for the Defence of Human Rights in Central America, Service, Peace and Justice in Latin America, Human Rights Advocates, International Federation of Human Rights and the International Organization for the Development of Freedom of Education.

Economic, Social and Cultural Rights

Before the Commission under this item is the second progress report on the realization of economic, social and cultural rights prepared by Danilo Türk, Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities.

The 1980s, the report says, will go down in history as the "lost decade" for development. In spite of remarkable progress, due in part to the availability of external financing, during the 1960s and 1970s for virtually all social and economic indicators, the 1980s showed either negligible improvement or dramatic decline. As precarious and disturbing as those trends

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may be, projections by the agencies of the United Nations system unanimously suggest that in the absence of major changes in policies, the 1990s will be much like the previous decade, if not worse.

The report asks who is to blame. The social and economic realities so prevalent during the 1980s are attributable to a variety of factors, some internal and others external. Some analysts place almost exclusive blame on either internal or external factors, while others attribute the causes of the problem to a combination of both forces, the report states. In contrast to the large majority of other analysts, the World Bank claims that the most important factors in the economic decline of the 1980s are attributable to internal, rather than external forces.

In the view of the Special Rapporteur, however, external factors combined with certain internal forces appear to be as responsible as purely domestic factors in contributing to the recent economic downturn. Concerning the structural adjustment measures adopted by more than 70 Governments in the last decade, the report says the Special Rapporteur has been unable to find much evidence which conclusively shows that adjustment measure are actually successful in achieving their aims. Most of the literature, in fact, points in the opposite direction.

In addition to a discussion of the elaboration of indicators to measure the realization of economic, social and cultural rights, the report also contains a number of recommendations. The Subcommission, according to the Special Rapporteur, should consider at this year's session the possibilities for continuing its own activities related to structural adjustment issues and the effects of structural adjustment on the realization of economic, social and cultural rights. One of the possibie options in that regard would be to agree on the need for drafting basic policy guidelines on structural adjustment and those rights.

Right to Development

In connection with the right to development, the Commission has before it the report of the Secretary-General on the effective implementation of the Declaration on the Right to Development.

The report, which takes into account the views expressed on the issue at the forty-seventh session of the Commission, as well as comments and suggestions submitted in response to the report on the Global Consultation on the Realization of the Right to Development, recalls that the opinion has been expressed that there is no such thing as a right to development. According to that argument, development is a goal which can only be achieved if all individuals are able to contribute to it to the best of their abilities and in conditions of equal opportunity. That depends on respect for the rights of the individual and civil liberties. The majority view, however, is that there is no distinction between rights and goals nor is there a hierarchy of individual rights and civil liberties, and the collective economic, social and cultural rights. All human rights are inextricably linked and the full enjoyment of one is said to be dependent on the realization of the others.

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The opinion is also expressed, said the report, that the right to development is an obligation of States towards their citizens. States should establish the necessary social and economic conditions by means of appropriate political and legal measures, in order to allow individuals to achieve, through their own work, everything they need to enjoy a decent standard of living.

The report goes on to list recommendations from different sources, including United Nations specialized agencies and other institutions, on the implementation of that right.

Human Rights Covenants

In considering the status of the human rights Covenants, the Commission has before it a report on the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its Optional Protocols. That report includes lists of States that have ratified or acceded to the human rights Covenants and Optional Protocols as of 1 August 1991. The International Covenant on Social and Cultural Rights has been ratified or acceded to by 107 States, the International Covenant on Civil and Political Rights had been ratified or acceded to by 102 States and the first Optional Protocol to the International Covenant on Civil and Political Rights had been ratified or acceded to by 55 States. The Second Optional Protocol has been ratified or acceded to by 9 States and signed by another 12 States.

Functioning of Treaty Bodies

In connection with the functioning of the human rights treaty bodies, the Commission is considering a report by the Secretary-General containing comments from the treaty bodies on a 1989 study of the possible long-term approaches to enhancing their operation. Among the responses is that of the Committee on Economic, Social and Cultural Rights which suggested that the study be updated, revised and presented to the World Conference on Human Rights. Also before the Commission is a report detailing the implications of full funding for the operation of all human rights treaty bodies.

Discussion

VLADIMIR SOTIROV (Bulgaria) recalled that for 25 years, the Covenants had served as a valuable basis for the effective promotion and protection of human rights and fundamental freedoms. Though their standards were legally binding, they did not reflect narrow interests. Rather, they had a comprehensive and universal character. The Bulgarian Government had changed its position with regard to some of the international bodies responsible for monitoring compliance with the international human rights instruments.

According to the new Constitution, he said, every Bulgarian citizen enjoyed the right to freedom of thought, conscience and religion, the right to freedom of expression, the right of peaceful assembly and the right to freedom of association. The exercise of democratic pluralism was being realized in a peaceful and calm manner regardless of the grave difficulties facing Bulgaria

in the transition towards real democracy. One of the negative aspects of the totalitarian regime had been the gap between the law and its practical application, and one of the most important and urgent tasks on the country's agenda was to bridge that gap.

LAURENT NZEYIMANA (Burundi) said his country had been the victim of clandestine infiltrations by refugees in May 1991. A campaign of civil disobedience and of provocation had followed. Three months later, 551 people had died. Those who had perpertuated this "deplorable human loss" were members of a movement called Palipheta, an association with a tribal character whose aim was to stir ethnic hatred. Those excesses were now under control. Those had been exceptional occurrences, and Burundi's population had disavowed those terrorist acts.

Furthermore, Burundi's President Pierre Buyoya had publicly set out a timetable for democratic reform in 1992. The delegate remarked that the Commission's concerns were still a dream in many developing countries. The international economic situation had created an unacceptable gap between countries of the North and those of the South. These economic policies encouraged instability and brought want and poverty to developing world. The international community had to commit itself boldly to the national strategies of developing countries.

DAVID STUART (Australia) said the elaboration of a framework of international law through the United Nations human rights treaty system was one of the United Nations' major achievements. Members of the Commission were aware of Australia's active interest in the human rights treaty system and the contribution made by some individual Australians to the work of the expert bodies. The growth in the treaty system, he went on, had brought with it many unforeseen problems. There had been efforts to streamline and improve reporting procedures so as to ensure that reports provided a substantial account of Governments' records in meeting their treaty obligations and of any problems they encountered.

Both the 1988 and 1990 meetings of chairmen of human rights treaty bodies recommended measures to encourage the submission of overdue reports. The chairmen's meetings had recommended that the Secretariat should regularly provide technical assistance and advisory services to assist States parties in submitting their reports as well as Governments considering accession or ratification of human rights treaties. The United Nations should do more in this area, which would help relieve the number of overdue reports as well as improve the quality of reports. High priority had also been given to the financial problems faced by treaty bodies, in particular the Committee on the Elimination of Racial Discrimination and the Committee against Torture. They recommended that the General Assembly should ensure regular budget funding for all the Committee or make other financial arrangements necessary to enable each Committee to work effectively. According to the chairperson, there was a general need for more resources to serve the work of the expert committees. In addition they had stressed the importance of more publicity for the Committee's work.

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ZHAN DAODE (China) said that certain prevalent international factors meant that some countries in the world thought that the right to development was solely an individual right. The right to development had to include economic, political, cultural and social rights. The right to development affirmed the interdependence of human rights. Economic rights could not be separated from other human rights. When a nation was subject to colonial domination there could be no achievement of the right to development. When the nation was in poverty no individual would enjoy his or her right to development. The right to development combined individual and collective rights.

He said the obstacles that had blocked the development of developing countries had to be tackled by the international community in order to "close the ever-growing gap between rich and poor". Until that time, human rights violations preventing peoples from realizing their fundamental freedoms would persist.

J. KENNETH BLACKWELL (United States) said that the United States strongly believed in the importance of development. The question was not whether development and the protection and promotion of fundamental human rights were linked. Rather, the question was how development could best be promoted, and what rights should be constitutionally protected to achieve that goal. The United States' experience had been that a limited Government that constitutionally protected political and civil rights created the most nurturing environment for development.

That did not mean that the United States believed that the individual principles articulated in the Covenant on Economic, Social and Cultural Rights and enshrined in the Universal Declaration were unimportant, he said. But political and civil rights were the foundation on which the economic and social welfare of the individual should be constructed. Too often, Governments that had adopted collective rights to development had abridged the individual's human rights in an attempt to guarantee a prescribed level of economic development. The United States did not consider development a civil or political right; there were other forums in the United Nations where it might be explored more fully.

LUIS GUILLERMO GRILLO (Colombia) said the right to development was the sum of all rights. When one spoke of development, one understood that all men and women from all countries had a right to an adequate standard of life. That concept was universal; it was an individual and collective right.

The right to development was being spoken about in all forums, he stated. In discussions about the environment one spoke of sustainable development, while the phrase "development with a human face" was employed in connection with human rights debates. The countries of the third world could not strengthen their democracies, nor create the conditions for the re-establishment of a state of law, if the right to development was not realized at the national and international levels. That issue should be at the centre of the Commission's agenda. That would provide an opportunity to

take up once again the recommendations contained in the Tehran Declaration, renovate them and establish new criteria for devising new strategies to face recent events in the world.

RIDHA ELLOUZE, Observer for Sao Tome and Principe, recalled that last year, for the first time in his country, and following the fall of one-party Government, legislative and presidential elections had been held. Those democratic elections had resulted in the overwhelming victory of the opposition party. He thanked the United States delegate for conveying his country's support.

After a peaceful transition, he continued, Sao Tome and Principe had embarked on the "Second Republic", whose main objectives would be the protection and the guarantee of fundamental human rights and the socio-economic development of the country. In the face of multiple challenges and the struggle against underdevelopment, the Second Republic was convinced of the virtues of active and appropriate international cooperation. The profound changes the world was undergoing illustrated the perenniality of universal human values, democracy progress and solidarity. These were the very same principles advanced by the people of Sao Tome and Principe.

FLORIAN ROCHAT, of Centre Europe - Tiers Monde, referred to the Commission headed by Ramsey Clark, former United States Attorney-General, which denounced acts committed by the United States of America during the Gulf war. The Clark Commission claimed the United States had planned complex computer manoeuvres perhaps as long as 18 months before an Iraqi pretext for United States action was found. The United States used the liberation of Kuwait to knock Iraq back into the Middle Ages. Iraq had offered no resistance during the 42 days of relentless bombing.

The Clark Commission, he said, also had reported that more than 25 per cent of bombs had missed their targets. Most of the targets were non-military and part of the civilian infrastructure. As a result tens of thousands of people had died from dehydration, illness and poverty. The United States also systematically bombed highways and 10,000 to 20,000 houses. The Clark Commission claimed that the United States had deliberately buried alive Iraqi soldiers who were surrendering. It had been a "mass slaughter" in which the United States had employed forbidden weapons, including napalm. The United States waged war against the environment without thought to the consequences.

HELENE BEYELLER, of the International ATD Movement Fourth World, said that in those regions of the world most shaken by economic and social upheaval, as well as by violence and shortages, it was the vulnerable and destitute populations who suffered the most. Poverty attacked the body, the hearts and the minds of too many children, men and women. Since the Commission had started considering extreme poverty and the experience of ATD founder Father Joseph Wresinski, the discussion had advanced on a number of fronts. The poorest had called attention to the fact that respect for human dignity was the foundation of human rights.

They had also helped the international community understand the indivisibility and interdependence of human rights. The efforts of the Commission, meanwhile, had given hope to poor families. But despite the cries of the poorest, the international community was liable to succumb to fatalism and to put off action on poverty. The Commission should be able to work to prevent the exclusion of the poor. The poorest populations asked the Commission to continue to guarantee their participation in the advancement of human rights.

ESTHER BRON, of the World Organization Against Torture, focused on violence against urban populations, street children and indigenous peasants. In Brazil, Peru, Colombia and Guatemala, in the name of programmes aimed at "social cleansing", violent methods were regularly used with impunity, particularly against children.

In all Latin American countries, she said, the rural population was condemned to slavery. Some 130 appeals had been received by her organization in the past year on behalf of landless peasants. Death in detention due to lack of health care occurred in certain African countries, notably Nigeria and Kenya. Children in India were detained in adult prisons, and in Nepal mental patients were held in regular prisons. In all those situations, socio-economic conditions, inequality and endemic poverty were responsible for such serious violations of human rights. Indebted countries chose to cease important social programmes designed to end the problems of street children and to combat poverty in order to respond to the demands of structural adjustment. She called upon the Commission to be aware of the negative impacts of structural adjustment policies on the realization of economic, social and cultural rights.

ROSARIO CUEVAS, of the Commission for the Defence of Human Rights in Central America, said her organization was concerned at the poverty that characterized the situation of the great majority of the population of Central America. That poverty came about, in part, as a result of the implementation of policies in compliance with the requirements of the international financial institutions. Furthermore, countries such as Guatemala, El Salvador and Honduras had given priority to military spending to the detriment of social needs. The crude reality experienced by the population of Central America was dramatically evident in the indexes and indicators on poverty. For example, in Nicaragua, buying power had declined by an average of 40 per cent, with unemployment in the capital at almost 27 per cent; in Panama, unemployment reached 33 per cent after the United States invasion; and in Belize, the unemployment rate was between 14 and 20 per cent. In general, the highest levels of poverty were to be found in rural areas. The policies elaborated by international financial institutions were very serious for the area, as they aimed at encouraging non-traditional production to the detriment of food production. To that had to be added the fact that 30 per cent of the rural population of Central America had no access to land.

The right to development, she continued, should be an integral process. One could not speak of that right in connection with the peoples of Central America if they were not able to exercise their right to

self-determination or their sovereignty over their natural resources. It was necessary to research and denounce how structural adjustment programmes violated economic, social and cultural rights and the right to development.

PABLO FREDERICK, of Service, Peace and Justice in Latin America, said the reality of the people of Latin America was far from a situation in which human rights were respected in an integral manner. The imposition of inapplicable economic policies and the burden of external debt had caused the worst crisis in the history of Latin America. The external debt was being used as a lever against the Latin American continent by richer countries.

The new world order meant "savage capitalism" to the populations of Latin America. Ninety per cent of the diseases in urban areas of Latin America were solely due to poverty. Civil freedoms had been recovered in the continent but credibility in democracy was still fragile. The right to development was the most important right. The speaker called on the Commission to ensure that concrete proposals were put forward to ensure that human rights would not continue to be denied.

KIM MORRIS, of Human Rights Advocates, said that frequently, human rights organizations and international bodies focused on violations of civil and political rights while ignoring or inadequately addressing the question of economic, social and cultural rights. For example, they focused on the violations of the civil and political rights of Tibetans at the hands of the Chinese occupying authorities. Yet the violations of the economic, social and cultural rights of the Tibetans were so serious that they could lead to their extinction as a distinct people. That alarming situation had resulted in large part from China's population transfer policy. Millions of Chinese settlers had been and were today still being moved into Tibet.

Population transfer, she added, had been recognized by the Subcommission to affect the basic human rights and freedoms of not only the people being moved or removed by the Government, but also of the original inhabitants of the territory into which settlers were implanted. More recently, the International Conference on Human Rights Dimensions of Population Transfer had condemned population transfer as a violation of human rights.

RICARDO REZENDE, of the International Federation of Human Rights, said that in Brazil perpetrators of expulsions, assassinations, arbitrary detentions and other human rights violations were treated with total impunity. He himself had received death threats. He cited incidents of assassination and attempted assassinations of human rights activists and trade union leaders, adding that he had repeatedly requested police protection for a priest and a trade union activist. Those appeals were ignored and the people in question were murdered.

His organization had complained officially about the conditions of 3,144 labourers, many of them women and children, employed illegally in 32 locations. If those labourers tried to escape, they were shot. In 1991, 53 were assassinated and four disappeared. Often, the labourers, brought from different parts of Brazil, suffered from malaria. The land owners and the traffickers of illegal labourers were treated with impunity.

ALFRED FERNANDEZ, of the International Organization for the Development of Freedom and Education, said that in order to build sustainable development, one must take into account the human dimension of development. At the heart of that dimension was education. But despite the effort of the last few decades, education was still not a priority for most Governments. In fact, the Jomtien Conference and work carried out by the United Nations Educational, Scientific and Cultural Organization (UNESCO) showed that education systems almost everywhere in the world were in crisis. This situation contrasted with the new international climate.

The new climate of peace and cooperation, he continued, should allow one to look towards the future with optimism. But the international community had to act responsibly and with lucidity. The first step to take in that direction should be to work to make the right to a quality education effective for all. Education, as the Jomtien Conference had concluded, was not the exclusive domain of the State; all of society was concerned.

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